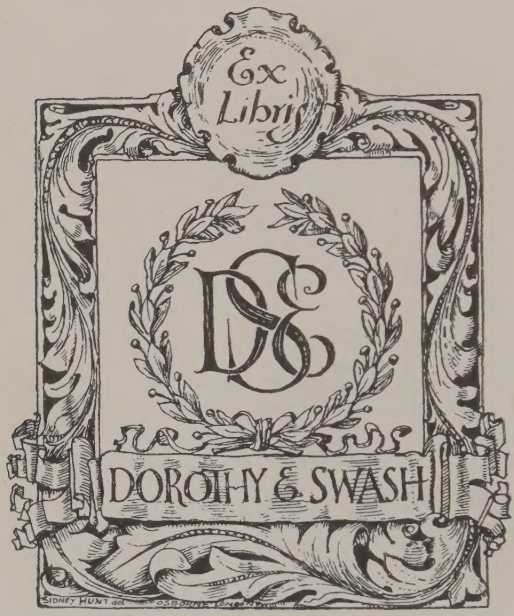

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IN MEMORY OF HER LATE HUSBAND,

EDWARD SWASH,

AND HER LATE DAUGHTER,

DOROTHY EVELINE SWASH.

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HISTORY OF ENGLAND

VOL. IV.

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A

HISTORY OF ENGLAND

FROM THE

CONCLUSION OF THE GREAT WAR IN 1815

BY

SIR SPENCER WALPOLE, K.C.B.
AUTHOR OF "THE LIFE OF LORD JOHN RUSSELL"

VOL. IV.

NEW IMPRESSION

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CONTENTS

OF

THE FOURTH VOLUME.

CHAPTER XIV.

THE CLOSING YEARS OF WILLIAM IV.

	PAGE
Wellington at Brighton	1
Wellington sole Minister	2
Peel accepts Office	3
He issues the Tamworth Manifesto	4
Parliament is dissolved	6
The Burning of the Houses of Parliament	7
The old Houses temporarily repaired	9
The Election of a Speaker	9
Peel's Declaration of Policy	11
He is defeated on the Address	11
Hume proposes to limit the Supplies	13
Lord Londonderry's Appointment to St. Petersburg	13
He is forced to resign	15
Peel and his Colleagues explain their Measures	15
The Lichfield House Compact	16
The Dissenters	17
The London University	18
The Irish Tithe Bill	19
The Appropriation Clause	20
Peel is defeated	21
And resigns	21
The Annoyance of William IV.	23
Melbourne forms a Ministry	23
O'Connell, Brougham, and Littleton	24
Conservative Successes	25
Lord Alvanley and O'Connell	25
Lord Mulgrave's Reception in Dublin	26
The Tithe Bill of 1835	27
The Appropriation Clauses of the Bill	28
Peel endeavours to divide the Bill into two	29
The Lords reject the Appropriation Clauses	30
Corporation Reform	31
The Municipal Commission	32
The Origin of Municipal Institutions	33
The Freemen	34
The Mayors and Common Councils	34
Municipal Justice	35
Municipal Reform in Scotland	37
The Corporation Bill introduced	37
Its principal Provisions	38
The Tories dislike the Measure	39
The Bill passes the Commons	40
And is sent to the Lords	40
The Lords hear Counsel and receive Evidence	41
And recast the Bill	42
Irritation in the Commons at these Amendments	43
The Peers' Amendments rejected by Russell	44
And by Peel	44

	PAGE
The Bill becomes Law	45
The Rejection of the Dublin Police Bill	46
Agitation against the Lords	47
O'Connell and the Carlow Election	48
Feeling against O'Connell	49
The Attitude of Brougham	50
Pepys is made Chancellor	51
Discontent of Campbell and Brougham	52
Irish Associations	53
Orange Lodges	53
They are attacked in Parliament	55
The Orange Committee of 1835	56
The Inquiry extended to the Colonies	57
Renewed Attack on the Orange Lodges in 1836	58
The Lodges dissolved	58
Irish Corporations	59
The Irish Municipal Bill	60
Its Details	61
The Bill radically altered in the Lords	62
The Bill is lost	64
Irish Tithes	64
Exchequer Processes	64
Writs of Rebellion	65
The Tithe Bill lost	65
Tithes in England	65
Althorp's Tithe Bills	67
Peel's Tithe Bill	67
The Tithe on pecked Turnips	68
The Tithe Commutation Act of 1836	68
The Marriage Law	69
William Smith's Marriage Bills	70
Russell's Marriage Bill of 1834	71
Peel's Marriage Bill of 1835	71
The Marriage Act of 1836, and the Registration Act	72
The Newspaper Tax	73
The Publications of the Useful Knowledge Society	75
Bulwer Lytton advocates the Reduction of the Newspaper Tax	76
The Budget of 1835	76
The Budget of 1836	77
The Newspaper Tax reduced to a Penny	78
The Paper Duty reduced	78
Agricultural Distress	80
The Death of Cobbett	81
A fresh Agricultural Committee appointed	83
It separates without making a Report	83
The Failure of the Session of 1836	84
The State of Ireland	85
The National Association	85
Political Meetings	87
Burdett joins the Tory Party	88
He is re-elected for Westminster	89
The Irish Municipal Bill	89
Church Rates	90
The Progress of the Municipal Bill	91
The Obstructive Attitude of the Lords	92
Discontent of the Radicals	93
The King's Illness and Death	94
His Character	95
The Consequences of his Death	97
The Accession of Queen Victoria	97
Parliament is Dissolved	99
The Crown of Hanover	100
The Civil List	101
Its Amount settled, with the Assistance of a Select Committee	102
The Pension List	104
The Duchies of Lancaster and Cornwall	108

CHAPTER XV.

THE DECLINE AND FALL OF THE WHIGS.

Canada	110
The Constitution of 1791	111
The Grievances of Upper Canada	112
The Grievances of Lower Canada	113
The Land Question in the Canadas	115
The Struggle between the House of Assembly and the Crown	116
The House of Assembly stops the Supplies	118
Peel wishes to send out a Commissioner to inquire into and redress Grievances	119
The Whig Ministry appoints three Commissioners	120

	PAGE
William IV.'s intemperate Speech to Gosford and Grey	121
Lord Gosford in Canada	122
Glenelg's explanatory Despatch	123
The House of Assembly of Lower Canada refuses to give way	124
Russell's Resolutions	125
The Resolutions carried	126
Rebellion in Canada	127
Head in Upper Canada	127
The Ministry send Durham to Canada	129
Lord Durham's Character	130
His Proceedings in Canada	131
Attack upon Durham	132
Durham resigns	133
And reaches England	134
Renewal of the Rebellion	135
The Union of the Canadas	135
Their Union is proposed in 1839	136
The Union carried	137
The Spottiswoode Association	138
Election Committees	138
The "Spottiswoode Gang" attacked	140
O'Connell's Speech at the "Crown and Anchor"	142
O'Connell is reprimanded	143
Poulter's Case	144
The Position of the Ministry	145
The Irish Poor Law	146
Report of the Irish Commission	147
Its Recommendations	148
Mr. Nicholls sent to Ireland	151
The Irish Poor Law Bill is passed	151
Its Unpopularity in Ireland	152
Compromise on other Irish Subjects	152
The Tithe Bill	153
Irish Corporation Bill	156
Discontent of the Radicals	157
Renewed Agitation in Ireland	159
Reconstruction of the Ministry	160
Lord Ebrington Viceroy	161
The Attack on the Irish Government in the Lords	161
The Vote reversed by the Commons	162
The Discontent of the Radicals	163
Jamaica	164
The Apprentices	164
The Foreign Slave-Trade	166
Brougham attacks the Foreign Slave-Trade	167
The Apprentice System	168
The Jamaica Assembly terminates the Apprentice System	170
The Jamaica Prisons Bill	171
The Crisis in Jamaica	171
The Jamaica Bill	172
The Resignation of the Ministry	172
The Bedchamber Question	173
The Nation's Sympathy with the Queen	174
Loyalty stimulated in 1838 by the Coronation	175
The Whigs resume Office	176
Abercromby retires from the Speakership	176
Mr. Lefevre elected Speaker	178
The Second Jamaica Bill	178
The Irish Municipal Bill again lost	179
Elementary Education	180
Attacks upon the Irish Education Board	181
Elementary Education in England	182
First Motions in a Reformed Parliament for an improved Education	183
The Education Scheme, 1839	184
The Opposition to it	185
A modified Scheme carried	186
The Post Office	186
The Commission of 1835	188
Rowland Hill publishes his "Post-Office Reform"	189
Hill's Scheme referred to a Select Committee	190
The Adoption of Penny Postage	191
Finance	192
The Budgets of 1838 and of 1389	193
Changes in the Ministry	194
The Difficulties of 1840	195
Buller proposes a Vote of Want of Confidence in the Ministry	196
The Publication of Parliamentary Papers	197
The Report of the Inspectors of Prisons	198
The Case of Stockdale *v.* Hansard	198
The Resolutions of the House of Commons respecting Privilege	199
Stockdale brings his second Action	199
Stockdale's third Action	201
Stockdale and the Sheriffs committed	202
Stockdale's fourth and fifth Actions	203
Russell introduces a Bill to settle the Question	204
The Bill passed	205
The Irish Municipal Bill	206
It passes, with a Protest from Phillpotts	207
Election Committees	208

	PAGE
Proposals for improving Election Committees	209
Peel's Proposal adopted	210
Registration in Ireland	210
Stanley's Registration Bill	211
Ministers resist the Bill	212
And are defeated	212
The disorderly Conduct of the House of Commons	213
Stanley's and Morpeth's Registration Bills in 1841	214
Morpeth's Bill postponed	215
And modified	215
Lord Howick's Amendment	216
The Bill lost	217
Financial Embarrassments	217
The Budget of 1840	218
The Budget of 1841	220
The Corn Laws	221
The Ministry defeated on the Sugar Duties	222
A Vote of Want of Confidence carried	223
Parliament is dissolved	223
The Household Question compromised	224
The Queen's Marriage	224
Baron Stockmar	226
The Whigs resign	226
The Character of Lord Melbourne	227

CHAPTER XVI.

FOREIGN POLICY FROM 1830 TO 1841.

Foreign Policy	229
The Revolution of July	230
The Position of Belgium	230
Aberdeen refuses to send Troops to Belgium	231
Palmerston Foreign Minister	231
Excitement in England and France	232
Sympathy with the French	232
Talleyrand Minister in London	233
His Efforts to preserve Peace	233
The Independence of Belgium accepted by the London Conference	234
The Position of Luxemburg	234
The Conference agrees to the Eighteen Articles	235
Belgium rejects the Decision	235
The Throne of Belgium offered to the Duc de Nemours	236
And refused	236
Irritation in France	237
Crisis in the French Ministry	237
The Laffitte Administration	238
Casimir Périer succeeds Laffitte	238
He adheres to the London Conference	239
The Ultimatum to Belgium	239
Leopold of Saxe-Cobourg	240
Chosen King of the Belgians	241
Forces the Plenipotentiaries to reconsider the Ultimatum	241
The Eighteen Articles are modified	242
Leopold accepts the Throne	242
The Dutch Court rejects the modified Articles	243
And declares War	243
The French enter Belgium	244
Sir R. Adair obtains an Armistice	244
The French withdraw from Belgium	245
Fresh Negotiations	246
The Twenty-four Articles	247
Holland rejects and Belgium accepts the Articles	248
The Treaty of the 15th November	248
The Dutch appeal to Prussia	249
The Treaty ratified by the Western Powers	250
It is ratified by the Northern Powers conditionally	250
The Solution of the Belgian Question endangered by a Ministerial Crisis in Britain	251
Belgium presses for the Execution of the Treaty	252
The death of Casimir Périer	252
Its Consequences	253
The French Ministry reconstituted under Soult	253
Fruitless Negotiations respecting Belgium	254
The Russian Dutch Loan	255
The Claim of Russia to the Continuance of its Payment by Britain	255
The Loan attacked in Parliament	256

PAGE

Russia is precluded from Action by accepting the Loan . . 257
Lord Durham's Mission to St. Petersburg 258
Palmerston draws up a *Thème* . 258
Britian and France determine on Action 258
Antwerp capitulates 259
Enthusiasm at these Events in France 260
Feeling in Britain 260
Revolution in Germany . . 262
Italy 262
Austria intervenes 263
Gregory XVI. promulgates Reforms 264
The Austrians evacuate the States of the Church 265
Fresh Disturbances occur . . 265
Second Austrian Occupation . 265
The French occupy Ancona . 266
Poland 267
The Military Cadets of Warsaw . 268
The Insurrection of 1830 . . 269
Nicholas despatches Diebitsch to Poland 270
The Description of Poland . . 271
Indecisive Battle of Praga . . 272
Skrzynecki defeats the Russians at Grochow 272
And at Iganie 272
The Battle of Ostrolenka . . 273
The Cholera 273
Deaths of Diebitsch and Constantine 274
Enthusiasm in France . . . 274
Casimir Périer refuses to move . 275
Palmerston refuses to intervene . 275
Paskievitsch succeeds Diebitsch . 276
And changes the Plan of the Campaign . . . 276
Warsaw capitulates 277
The News of its Fall in France . 277
Palmerston intercedes for Poland 277
The Treatment of Poland by Russia 278
Debates in Parliament on Poland 279
Mehemet Ali 279
His Expedition against Acre . 280
Ibrahim defeats the Turks . . 281
And marches on the Bosphorus 281
Mahmoud appeals to Britain . 281
To France 282
And to Russia 282
A Russian Army sent to the Bosphorus 282

PAGE

The Treaty of Unkiar Skelessi . 283
Debates in Parliament on these Events 284
Portugal 285
Dom Miguel's Cruelties . . 286
Outrages upon British Subjects and Commerce . . . 287
Palmerston insists on Satisfaction 287
French Complaints against Portugal 288
A French Squadron in the Tagus . 288
The Portuguese Fleet captured by the French 290
Opinion in England 290
The Arrival of Dom Pedro in Europe 291
Miguel's fresh Cruelties . . 291
Dom Pedro obtains Help both from France and Britain . . 292
His Descent upon Portugal . . 293
The House of Lords carry an Address for Neutrality in Portugal 293
Napier takes the whole of Miguel's Fleet 294
The Death of Ferdinand of Spain 294
His Marriages . . . 295
His Daughters . . . 296
The Succession to the Throne of Spain 296
Don Carlos and Dom Miguel . 297
Don Zea Bermudez succeeded by Martinez de la Rosa . . 297
The Quadruple Treaty signed in London 298
Constitutional Government restored in Spain and Portugal . 298
The Annoyance of the Tory Party at the French Alliance . . 299
The Annoyance of the King at the French Alliance . . . 299
Don Carlos returns to Spain . 300
Fresh Articles added to the Quadruple Treaty 301
The Cruelties of the War . . 301
The Logrono Convention . . 301
Intervention refused by France and Britain 302
The British Legion enlisted for Service in Spain . . . 303
Opinion in Britain on these Proceedings 303
Politics in Spain 305
Torreno and Mendizabal . . 305
Gradual Estrangement of France from England 306
Crisis in the French Ministry . 307

	PAGE
Thiers becomes Prime Minister	307
He refuses to intervene	307
Palmerston sends a force to Spain	307
The Murder of Quesada and Proclamation of the Constitution of 1812	308
Fall of Thiers on the Spanish Question	308
The Dissolution of the British Legion	309
Growing Coldness between Britain and France	310
The Attitude of Russia	310
The Alteration in Palmerston's Views towards Russia	310
The Feeling of the Public against Russia	311
Cracow	312
Its Occupation by Austria	313
Indignation in Britain	313
The Attitude of France	314
Turkey	315
Mahmoud and Mehemet	315
Palmerston stops Mehemet's Preparations	316
The Turkish and Egyptian Armies	317
Lord Ponsonby at the Porte	317
The Turks cross the Euphrates	318
The Five Powers press for an Armistice	319
France and England again co-operate	319
The Attitude of the Turkish and Egyptian Armies	320
The Turkish Army routed	321
The Sultan dies	321
The Turkish Fleet carried to Egypt	321
Unsuccessful Negotiations between Turkey and Egypt	321
Palmerston resolves on Interference	322
Soult refuses Intervention	323
The Views of the Five Powers	323
The Porte engages to conclude no Peace without the Cognisance of the Five Powers	324
Palmerston's Change of Policy	325
The Isolation of France	325
Baron Brunnow in London	325
Soult objects to Brunnow's Propositions	326
The Russian Proposal modified and accepted	327
The Inconsistencies of Soult's Policy	327
The French Chambers meet	328
Soult's Ministry falls	328
The Eastern Policy of Thiers	329
The Quadrilateral Treaty of 1840	331
The Anger of France	332
The Fall of Acre	332
The Effects of its Fall	333
Soult recalled to Power	333
The Popularity of Palmerston's Foreign Policy	334
Objections to it	334
The Rupture with France was not justifiable	335
Intervention was not justified by British Interests	337

CHAPTER XVII.

The Condition of England in 1841.

	PAGE
The Effects of the Reform Act of 1832	339
The Character of the reformed House of Commons	340
The increased Length of Debates	340
The Multiplication of Parliamentary Documents	341
The increased Number of Petitions	341
The greater Publicity of Parliamentary Proceedings	343
The Publication of Division Lists	344
The Provision of a Ladies' Gallery	346
Oratory in a reformed Parliament	347
Peel and Russell	349
Stanley, Macaulay, and O'Connell	350
Parliamentary Manners	351
Private Business	351
Extravagant Speculations	353
The Formation of Joint-Stock Banks	355
The Institution of Limited Liability	356
The Commercial Crisis of 1836	356

	PAGE
The general Fall in Prices after 1815	357
The Distress of the Working Classes	358
The Dwellings of the Poor	358
The abject Poverty of the Poor	361
Aggravated by the Corn Laws	362
The Prevalence of Disease	363
The Poor Law of 1834	364
Agitation against it	366
Mr. Disraeli	367
The Struggle on the Poor Law	369
Truck	370
Labour of Women and Children in Mines	372
The Ignorance of the Working Classes	373
The Remedies proposed	375
Robert Owen	375
His Factory at New Lanark	376
The Chartists	379
The History of Chartism	380
The Progress of Chartism after 1838	382
The Chartist Leaders	384
The Rejection of the Chartist Petition	385
The Riot in the Bull-Ring at Birmingham	386
The Chartists checked	388
The March of the Chartists upon Newport	389
The Trial of Frost	390
The Corn Laws	392
The Acts of 1815 and 1822	393
The Act of 1828	394
The Corn Law League	395
Motions in Parliament for the Repeal of the Corn Laws	396
Efforts outside Parliament for their Repeal	397
Emigration and Education	399
The Spread of Humanity	400
The Slave-Trade	401
Dogs prohibited from drawing	402
The Treatment of Criminals	403
The Increase of Crime	405
The Causes to which the Increase was due	406
The Causes which checked its Growth	406
The Institution of an efficient Police Force	409
Transportation	409
The Convict's Lot	410
Select Committees on Transportation	413
The Probation System of 1842	414
Modified in 1847	415
Transportation abandoned	415
Counsel for Prisoners	416
Imprisonment for Debt	418
Bankruptcy	419
Insolvency	420
The Abolition of Imprisonment for Debt	422
The Soldier	424
The Sailor	424
Impressment	425
The Distribution of Medals and Prize Money	426
Regimental Libraries	428
Flogging in the Army and Navy	429
The Press-Gang abandoned	432
Duels	433
The Judges and Duelling	434
Juries and Duelling	435
Challenges in Parliament	436
Lord Cardigan and Captain Tuckett	437
The Repression of Duelling	439
The History of Drunkenness	441
Its Increase in the Fifteenth and Sixteenth Centuries	442
The History of Distillation	445
The Spirit Duties in 1816	447
Free Trade in Beer	448
Tea	451
The Tea Duties in 1840	451
Their alteration in 1853	452

HISTORY OF ENGLAND.

CHAPTER XIV.

THE CLOSING YEARS OF WILLIAM IV.

THE Duke of Wellington, passing the autumn at Strathfieldsaye, was going out hunting, on the morning of the 15th of November, when the summons from the king reached him, and commanded his attendance at Brighton. On the same day four years before, his own Administration had suffered a final defeat in the House of Commons. At that time such an invitation as that which he received from the king in 1834 would have procured for him the insult, perhaps the attacks, of the populace. In 1834, on the contrary, the Whig papers denounced the conduct of the king in dismissing the Whigs; but the people watched without emotion the transfer of power from Whigs to Tories.

Wellington at Brighton.

Wellington reached the king late on the 15th of November. The king explained to him the circumstances which had led to the dismissal of the ministry; and appealed to him for help. He pointed his appeal by referring to the insulting manner in which the ministerial crisis had been announced in the *Times*.[1] He was, perhaps naturally, angry that the circumstance should have found its way into the papers at all; he was still more angry that the blame of it should have been laid upon the queen. The appeal was made to one who had never deserted his sovereign in a difficulty. Wellington consented to return to power. The battle, however, he saw clearly enough, would

[1] *Melbourne*, vol. ii. p. 44.

have to be fought in the House of Commons. Common prudence required that the chief command should be entrusted to the man who could be personally present at the brunt of the struggle. For himself he was ready to do subaltern's service. The chief place in the ministry he reserved for Peel.

Peel, however, thinking of anything but a crisis in the ministry, was passing the autumn in Italy; and Italy in 1834 was practically as far from Brighton as New York is now. It was impossible for any messenger to reach Rome in less than eight days. It was unlikely that Peel could return to London in less than three weeks; and a good deal might possibly happen in three weeks' time. Those persons who ventured on such calculations misunderstood the character of their sovereign. The king, angry with Brougham, Melbourne, and the *Times*, desired his ministers to resign their offices at once. He made Wellington First Lord of the Treasury; he entrusted him with the seals of the Home Office, and gave him the seals of the two other Secretaries of State. These arrangements virtually placed the patronage and the power of the State in the hands of one man.[1] They were severely reprobated at the time in the Whig newspapers, and afterwards in Parliament, as "an unconstitutional concentration of responsibility and power."[2] The politicians who used this language had hardly thought out its meaning. There was nothing unconstitutional in Wellington assuming four of the highest offices of the State at the instance of his king. Three of those offices had, in fact, been evolved out of one within his own lifetime; and one Secretary of State was and is technically

Wellington sole minister.

[1] Brougham held the Great Seal till November 21, when he sent it to the king in a bag, "as a fishmonger might have sent a salmon for the king's dinner." *Campbell's Lives of the Chancellors*, vol. viii. p. 460. It was entrusted on the same day to Lyndhurst. *Greville*, vol. iii. p. 156. The seal of the Chancellor of the Exchequer was given temporarily to Denman, "the practice"—so Wellington said—being "to give the custody of the seal to the Lord Chief Justice of the King's Bench till a Chancellor of the Exchequer should be appointed." *Denman*, vol. ii. p. 13. Brougham applied for the post of Lord Chief Baron, on the pretext of saving £5000 a year; and his request was, of course, refused. *Lives of the Chancellors*, vol. viii. p. 460. *Greville*, vol. iii. p. 157.

[2] Lord Morpeth, in *Hansard*, vol. xxvi. p. 169.

competent to transact the business of all the others. The one thing which was unconstitutional in 1834, or which, in more correct language, was opposed to the practice of the Constitution, was the dismissal of the Whig Ministry. All that followed was only a corollary to that proceeding; and Whig statesmen would have done well to have confined their censure to the act, and to have abstained from criticising the arrangements which were consequent upon it. The general public, judging the matter more accurately, were merely amused at the spectacle which the Duke afforded them. They saw the man who had been the hero of their boyhood, who had again become the hero of their maturer years, driving from office to office, signing letters, dictating minutes, and discharging without assistance the work which it had previously taken four busy ministers to perform. Instead of blaming Wellington for straining the Constitution, most people praised him for his industry, and commended the singleness of character which raised all his actions above suspicion. Wellington had again become the hero of the nation; and the nation was gratified at the new proof which its hero was giving of his capacity for work.

In the meanwhile James Hudson, the queen's secretary, was travelling night and day, through France and Italy, searching for Peel. He found Peel at a ball at Prince Torlonia's, at Rome, on the evening of the 25th of November.[1] Peel, returning almost immediately, reached London on the morning of the 9th of December; and he received the seals of office as Chancellor of the Exchequer on the following day. His own reception of the seals was, however, an unimportant matter. Every politician felt that the stability of his ministry materially depended on the attitude of Stanley; and Stanley civilly refused to have anything to do with the Government.[2] Stanley's refusal compelled Peel to construct his ministry out of the old Tory party. Peel himself, confident in his superiority, and anxious to assert his authority, followed the example of his greatest prede-

Peel accepts office.

[1] *Peel's Memoirs*, vol. ii. p. 24. Torrens' *Melbourne*, vol. ii. p. 48.
[2] *Peel's Memoirs*, vol. ii. p. 36. *Greville*, vol. iii. p. 175.

cessors, and took the offices of Prime Minister and Chancellor of the Exchequer. Lyndhurst was confirmed in the Chancellorship; Wellington was placed in the Foreign Office; Aberdeen became Colonial Secretary; Goulburn, Home Secretary; Hardinge, Chief Secretary; Ellenborough, President of the Board of Control; the other offices in the Cabinet were bestowed on gentlemen whose names it is not necessary to mention. The Cabinet of 1834, in fact, was a committee pledged to register the decisions of its chief. Three only of its members, Peel, Wellington, and Lyndhurst, spoke with the authority which enforces attention in the council-chamber. One alone, Peel himself, shaped the policy of the Administration.

Peel's superiority over his colleagues was almost immediately visible. On the 17th of December, eight days after his arrival in England, he read to them a letter which he had addressed to his constituents, detailing the policy which he intended his Government to pursue. Since the passing of the Reform Act he had represented Tamworth; the document, therefore, intended for a nation was nominally addressed to the electors of Tamworth, and has ever since been known in history as the Tamworth Manifesto. The mere fact that such a manifesto should have been issued at all formed a striking proof of the advance which had been made towards popular government. Peel avowed that he was addressing, through his constituents, "that great and intelligent class of society" of which they were merely representatives; and that he was offering them "that frank exposition of general principles and views which appears to be anxiously expected, and which it ought not to be the inclination, and cannot be the interest, of a minister of this country to withhold."

He issues the Tamworth Manifesto.

The "frank exposition" must have been bitter reading to some of the members of the new Cabinet. Peel seemed above all things anxious to prove that he had always been a reformer. He reminded the nation, with perfect justice, that he had promoted the reform of the currency; that he had consolidated

and amended the Criminal Code; that he had reformed many branches of jurisprudence; and that, in his place in Parliament, he had accepted the Reform Bill as "a final and irrevocable settlement of a great constitutional question." He could appeal with confidence to the past to prove that he had never been "the defender of abuses or the enemy of judicious reforms." He would never oppose "the correction of proved abuses and the redress of real grievances." His predecessors had advised the Crown to issue a commission of inquiry into the constitution of municipal corporations. He had every disposition to give the commissioners' report a full and unprejudiced consideration. His predecessors had proposed, and he himself had supported, a measure for the abolition of Church rates, and the compensation of the Church out of the Consolidated Fund. His predecessors had proposed, and he himself had supported, the principle of a bill for relieving the conscientious scruples of Dissenters in the celebration of their marriages. His predecessors had supported a bill for the admission of Dissenters to the Universities. He himself was of opinion that "if regulations, enforced by public authorities superintending the professions of law and medicine, and the studies connected with them, had the effect of conferring advantages of the nature of civil privileges on one class of the king's subjects, those regulations ought to undergo modification." It was true that he had resisted a retrospective inquiry into the Pension List, but he had supported Althorp in confining future pensions to such persons only as have just claims to the royal beneficence on account either of their public services or of their scientific or literary eminence. It was true that he had refused to assent to the alienation of the property of the Irish Church. But he had always been in favour of its improved distribution. Nor were his views on Church reform confined to Ireland alone. He had always desired that the tithes of the English Church should be commuted on just principles. He was ready to inquire into the laws which governed its establishment. Reform in Church and State at home; the maintenance of peace abroad—these were the

objects which Peel offered to the country in the Tamworth Manifesto.[1]

Parliament is dissolved.

The manifesto took the country by surprise. Moderate men of all parties approved its promises; and the confidence which was already felt in Peel was increased by his bold avowal that he took office as a Reformer. In the midst of this approval Parliament was dissolved. The expediency of its dissolution was doubted by some of the best authorities of the time. Russell himself thought that Peel aggravated his disadvantages by advising it. It would have been wiser to have awaited defeat, and to have appealed to the country from the Parliament which thwarted him in his attempt to govern.[2] Whether Russell's opinion were right or not, a dissolution could not have been long delayed. There were only 150 Tories in the first Reformed Parliament,[3] and Peel would, therefore, have been outvoted on any crucial question by a majority of three to one. The Tories, moreover, excited by the circumstances which had brought them back into power, seriously believed in the possibility of converting their minority into a majority, and of winning 150 seats from their opponents. These expectations were soon disappointed. London rejected all the Conservative candidates. Most of the other boroughs imitated the example of the City. The Whigs were naturally elated at their victory. Its effect was only slightly reduced by the successes which the Conservatives afterwards achieved in the counties. County after county selected Conservative representatives. Palmerston was defeated in Hampshire, and Francis Egerton unexpectedly found himself at the head of the poll in Southern Lancashire with a majority of a thousand. Even the Whigs, confident in their own numerical superiority, admitted the significance of Egerton's victory. They saw that they had a majority in the House of Commons; but even a majority in the House of Commons did not quite reconcile them to the verdict of South Lancashire.[4]

[1] For the Manifesto see *Peel's Memoirs*, vol. ii. p. 58.
[2] *Recollections and Suggestions*, p. 132.
[3] *Palmerston*, vol. ii. p. 212.
[4] *Greville*, vol. iii. p. 198.

The new Parliament was summoned to meet on the 19th of February; but it did not meet in the historic building which had been the almost immemorial home of the British Legislature. On the 16th of October 1834 the two Houses of Parliament were burned to the ground. The fire originated in an act of official folly. The Treasury required temporary accommodation for the Court of Bankruptcy. Room, it was thought, could be found in the tally-room of the Exchequer at Westminster, if only the old tallies, which were stowed there, were either removed or destroyed. The subordinates charged with the duty thought that the best method of destroying them was to burn them in the stoves of the House of Lords. They commenced burning them on the morning of the 16th of October. The housekeeper, smelling burning wood as early as half-past ten, remonstrated with them for doing so. They paid no heed to her remonstrances. At half-past three she sent to tell them that the House of Lords was full of smoke. They told her that the burning would be over in another hour. Some gentlemen, who called to see the building, remarked the heat, and were told that the workmen were burning the tallies downstairs. Thus these wise workmen, acting on the orders of their wise employers, continued throughout the whole of an October day heaping up the fire which, from the first hour in which it was lit, threatened the Houses of Parliament.

The burning of the Houses of Parliament.

The workmen, having finished their day's work, left the building. An hour afterwards, at half-past six in the evening, the flames burst forth near the entrances of the two Houses. In half-an-hour the whole building was on fire. The firemen, despairing of saving either House from the flames, concentrated their efforts on the preservation of Westminster Hall. In this they fortunately succeeded. The venerable Hall, which owed its foundation to the second of the Norman kings, was saved. In other ways the efforts of the firemen were almost useless. The fire only ceased to rage when there was nothing left for it to burn. The two Houses themselves, the greater portion of their libraries, some tapestry which illustrated the defeat of the

Armada, many works of art which it was difficult to replace, many records which it was impossible to replace, were destroyed.[1]

No one could avoid regretting the loss of a building which was a link between the past and the present. But, at the same time, no one could avoid reflecting that the old Houses of Parliament were no more adapted for the requirements of a reformed Legislature than an unreformed House of Commons was capable of representing the British people. The chamber which had afforded adequate accommodation to the 513 members who represented England and Wales in the seventeenth century was unable to hold the 658 members who represented the United Kingdom in the nineteenth century. The deficiency of room had been visible enough before 1832 on a few great occasions. It forced itself almost daily on the attention of the public after the passage of the Reform Act. The members of the House of Commons, anxious to gratify the wishes of their constituents, were diligent in their attendance; and the old chamber, which had witnessed the contests between Bolingbroke and Walpole, between Pitt and Fox, between Canning and Brougham, could hardly afford standing room to the members who thronged to hear the onslaught of O'Connell on Stanley or cheer the retort of Stanley on O'Connell. In the sessions of 1833 and 1834 Hume had drawn attention to the deficient accommodation which was thus afforded to the representatives of the people, and had urged the construction of a new House of Parliament. He had failed to enforce his views on the House of Commons.[2] But his arguments acquired an irresistible force from the fire. The flames had destroyed the old House; and the construction of a new one had become a question, not of expediency, but of necessity.

A new House, however, could not rise in a moment like a fairy building out of the ruins of the old one; and accommodation had, almost immediately, to be found for the Legislature.

[1] The history of the fire and of the inquiry into the causes of it is republished in the *Ann. Reg.*, 1834, Chron., p. 125.

[2] For the debate see *Hansard*, vol. xvi. p. 370; vol. xix. p. 59; and vol. xxv. p. 1029.

Among the many extravagances of which George IV. had been guilty, he had, in 1825, set about the erection of a new London palace on the site of old Buckingham House. The king, whose simple tastes had no need for all the palaces which his brother had erected, voluntarily offered to place it at the disposal of the Legislature. The ministers were, at first, disposed to accept this offer. They found, however, that the walls of the old House of Lords, which were still standing, could be covered in without much expense, and could be converted in this way into a temporary House of Commons, and that the old Painted Chamber, whose contents only had been destroyed, could be fitted up as the House of Lords. They decided on effecting these alterations, instead of asking the Legislature to migrate to the other end of St. James's Park.[1] Temporary accommodation of this kind—so it was thought—would suffice till new buildings of a permanent character could be constructed.

The old Houses temporarily repaired.

In the temporary premises thus arranged for the reception of the Legislature the new Parliament met for the first time on the 19th of February 1835. The Commons were at once desired to withdraw to the place where they were to sit, and choose a Speaker.[2] With their withdrawal the struggle began which continued, almost without intermission, till the final overthrow of Peel's Government. One man, indeed, had strong claims for the Speakership. Manners Sutton had occupied the chair of the House of Commons for nearly eighteen years. He had been chosen in the first instance by an unreformed House; the choice had been confirmed on the last occasion by a reformed Parliament. He had been elected in 1817 at the instance of a Tory Ministry; his election had been repeated in 1833 on the suggestion of a Whig Government. He had, moreover, a distinct claim on the consideration of the Whigs. At their wish, and for their convenience, he had postponed the retirement which he had contemplated in 1832, and had consented to continue

The election of a Speaker.

[1] *Melbourne*, vol. ii. p. 30.
[2] *Hansard*, vol. xxvi. p. 2.

in office.[1] In ordinary circumstances he might have expected that the Whigs in Opposition would imitate the course which they had pursued in office, and again support his claims for the chair. The more extreme members of the Whig party had, however, never tolerated the acquiescence of their leaders in Sutton's claims; and Sutton himself had too frequently justified their objections to him. So long as he was in the chair, indeed, every Radical in the House was ready to bear testimony to his efficiency and impartiality. But, when he left the chair, he too often forgot the spirit of the beautiful prayer which it was the daily duty of his chaplain to read during the session, and indulged in the animosity of partisan warfare. In the summer of 1834 he actually presided at a dinner of the Conservative party.[2] In the autumn of 1834 it was everywhere rumoured that he would accept high political office in Peel's Cabinet. The Whigs had the mortification of noticing that the Speaker of the House of Commons attended the meetings of the Privy Council at which the routine business of the Tory Government was conducted, and that he was in almost continual communication with Wellington. Complaints of this character were almost daily made in the Whig newspapers; and the Whig leaders, encouraged by their persistency, decided on opposing Sutton's re-election. They chose for his opponent James Abercromby, the member for Edinburgh, a politician who had long been distinguished for the liberality of his views, and who had sat in the Melbourne Cabinet. The choice was almost unanimously approved by the Whigs: their approval made Sutton's defeat a matter of course. Abercromby was elected by 316 votes to 306;[3] and Sutton, hiding his mortification in a peerage, became Lord Canterbury.

Peel had the dexterity to conceal his annoyance at this damaging division. He congratulated Abercromby on his election, and busily continued his own preparations for the session. He had still a short interval for the purpose. The

[1] See *ante*, vol. iii. p. 364. [2] *Spencer*, p. 474.
[3] *Hansard*, vol. xxvi. p. 56.

first few days which succeeded Abercromby's election were occupied by swearing in the members of the new Parliament. It was only on Tuesday, the 24th of February, that Parliament was formally opened by the king. The Speech was an unusually long one. It repeated the assurances and renewed the promises of the Tamworth Manifesto. Peel, however, was not content with embodying these promises in an address to his constituents, and in putting them into the mouth of the king. During the debate on the Address he emphatically renewed them: "I make great offers, which should not lightly be rejected. I offer you the prospect of continued peace. . . . I offer you reduced estimates, improvements in civil jurisprudence, reform of ecclesiastical law, the settlement of the tithe question in Ireland, the commutation of tithe in England, the removal of any real abuse in the Church, the redress of those grievances of which the Dissenters have any just ground to complain. I offer you these specific measures, and I offer also to advance, soberly and cautiously, it is true, in the path of progressive improvement."[1] These offers did not moderate the anxiety of the Whigs to defeat the Government. They insisted on proposing an amendment to the Address, distinctly lamenting that the progress of reforms had "been interrupted and endangered by the unnecessary dissolution of a Parliament earnestly intent upon the vigorous prosecution of measures to which the wishes of the people were most anxiously and justly directed."[2] When the debate began the Opposition confidently expected a majority of thirty to forty votes.[3] The amendment was carried ultimately by a majority of only seven.[4] The division was embarrassing enough to a ministry which had already been defeated on the contest for the Speakership; but the boasts of the Opposi-

Peel's declaration of policy.

He is defeated on the Address.

1 *Hansard*, vol. xxvi. p. 241.

2 These are the concluding words of the amendment, which was moved by Lord Morpeth. Ibid., p. 172. A similar amendment was moved in the House of Lords by Melbourne (ibid., p. 81), and rejected without a division. Ibid., p. 151.

3 *Greville*, vol. iii. p. 221.

4 309 votes to 302. *Hansard*, vol. xxvi. p. 410.

tion deprived their success of some of its significance. A majority of only seven votes seemed almost like a defeat to men who had confidently relied on a considerable majority.

The ministry had been defeated on the Speakership; it had been defeated on the Address; and its capacity to deal with any subject obviously depended on the forbearance of the Opposition. Forbearance was the last thing which the Opposition was thinking of. Its more eager members were intent on finding some fresh occasion for inflicting a new defeat on the Government. One circumstance, however, caused them disquietude. Technically, the Crown had power to dissolve Parliament. Long usage, however, had limited the right of each minister to one dissolution only. It was tacitly understood that a minister had the right to appeal once from Parliament to the country; but it was also tacitly understood that he should abide by the result of the appeal. During the debate on the Address rumours were freely circulated that Peel contemplated the violation of this virtual understanding. On the 2nd of March, Russell referred to these reports in the House of Commons. It was not easy to answer Russell. If Peel had declared his intention of advising a fresh dissolution he would virtually have defied the unwritten law of the Constitution. If he had announced his determination to abide by the result of the last appeal he would have released timid members, afraid of the expense of a contested election, from the one influence which made them refrain from voting against him. It was difficult, then, for Peel to reply to Russell. With much dexterity he declared that he had neither "directly nor indirectly sanctioned" the rumours to which Russell referred. "It would be most unbecoming in me to fetter the discussions of the House of Commons by any, the slightest, menace of contingent dissolution; but it would be equally unbecoming in me, as a minister of the Crown, to consent to place in abeyance any prerogative of the Crown, or to debar myself by previous pledges from giving to the Crown that advice which future exigencies of the public service might require."[1]

[1] *Hansard*, vol. xxvi. p. 474.

Russell had failed to extract any distinct pledge from Peel; and the Opposition had to find some fresh pretext for attacking the ministry. It occurred to some of them that Peel's difficulties would be increased if the supplies were granted for only a limited period. With Russell's consent Hume gave notice of a motion for voting the supplies for three months only. His notice, however, did his friends no good. Some of the Whigs thought that a limitation of the ordinary vote might damage the credit of the country; others of them desired to afford the new ministry a fair trial. Instead of bringing forward his motion, Hume was compelled to withdraw it;[1] and the Whig leaders were forced to wait for some other pretext for seizing office. A fresh opportunity for attacking the ministry occurred, however, immediately. Ever since Lord Heytesbury's retirement, in 1832, the embassy at St. Petersburg, one of the richest prizes in the diplomatic service, had been vacant.[2] Wellington, on receiving the seals of the Foreign Office, decided on sending a new ambassador to Russia. Towards the end of December it was reported that he had nominated Lord Londonderry to the post.[3] The appointment was thought almost incredible. The *Times*, on the 2nd of January, declared it an "absurd report" and "a sorry joke." Its bare announcement rekindled the opposition to the ministry. The selection was, in fact, in many respects objectionable. Londonderry was the representative of those old-fashioned Tories who still clung to the domestic policy which had made his brother an object of detestation at home, and to the foreign policy which had made this country the ally of sovereigns and not of peoples abroad. In the past he had served with distinction in the Peninsula; he had been present with the allied armies during the campaign of 1813; and his energetic counsels, on more than one occasion, had been of undoubted service to the cause of the Allies. Raised to the peerage, and nominated

Hume proposes to limit the supplies.

Lord Londonderry's appointment to St. Petersburg.

[1] *Recollections and Suggestions*, p. 134. *Hansard*, vol. xxvi. p. 885. *Greville*, vol. iii. p. 224.

[2] For the circumstances connected with this vacancy see *ante*, vol. iii. p. 387, note.

[3] *Greville*, vol. iii. p. 183.

to the embassy at Vienna, he had received an adequate reward; and taxpayers could fairly say that Londonderry owed as much to the country as the country owed to Londonderry. Peers, however, educated in the school of Castlereagh, were apt to attach an exaggerated value to their own claims, and to imagine that their services should be requited on the principle on which the buried talent was awarded to him who had ten talents. Londonderry complained that his diplomatic services had not been rewarded with a pension,[1] and that he had received no office in 1828. Even a Tory Ministry saw that it was impossible to place the brother of Castlereagh in any prominent situation at home. Wellington suggested and Peel agreed that Londonderry might fill the vacant mission at St. Petersburg. Peel and Wellington both, probably, thought that they would provide in this way for the embarrassing claims of their self-confident supporter.

Unfortunately for Londonderry, however, he had taken part in a debate on Poland, and had characterised the Poles as the Emperor's "rebellious subjects."[2] The cause of Poland had excited the enthusiasm and won the sympathy of English Liberals; and the whole Liberal party, therefore, was indignant at the notion that Britain should be represented at St. Petersburg by a diplomatist who had defended the conduct of the Russian Government. "The noble Marquis," said Hume in

[1] This application was endorsed by Lord Liverpool, in pencil, "This is too bad!" Liverpool's opinion was subsequently justified by Lord Dudley, who stated in the House of Lords that he believed the noble Marquis had been in the public service about ten years, and that for his services in that period he had received of the public money £160,000. *Hansard*, New Series, vol. xvii. p. 1405.

[2] *Hansard*, vol. xxvi. p. 946. Alison (*Lives of Lord Castlereagh and Sir C. Stewart*, vol. iii. p. 264), who makes Londonderry a hero, defends his expression by reminding his readers that, twenty-five years afterwards, the Sepoys were always spoken of as rebels in this country. The Sepoys, Alison forgot, were not only British subjects, but British soldiers, in receipt of British pay. The Poles were never subjects of the Russian Emperor. They were the subjects of the King of Poland, and it was Nicholas' or Constantine's disregard of their charter which justified the Polish war of 1831. Peel, at the time, defended Londonderry by declaring that he could not find the words in *Hansard*. *Hansard*, vol. xxvi. p. 961. There does not appear, however, to be any doubt that they were actually spoken.

the House of Commons, "had invariably been against all amelioration of the political circumstances of the people. He had opposed everything connected with human freedom—even the humane design of others to mitigate the sufferings of the afflicted Poles. What, then, could these persecuted people, what could Europe expect at the hands of the present Government, when they saw it sending out such a man to represent it at the Court of Russia?" "The noble Marquis," said Stanley immediately afterwards, "was the last person whom England ought to have sent to Russia to represent there the feelings of the people of this country."[1] Objections of the same character were raised by speaker after speaker; and Peel made an imperfect and inadequate defence of the selection to which he had unluckily assented. It was everywhere felt that the appointment must be abandoned. Londonderry himself, amazed at the storm which his unpopularity had excited, voluntarily withdrew from the post which had been offered to him. His withdrawal only partially relieved the Tory Ministry from the embarrassments which his nomination had occasioned. Every one was, in fact, angry. The Liberals were angry at the appointment; the Tories were angry at its abandonment; the king was angry at the interference of the House of Commons and the effect which would be produced by it abroad. It would everywhere appear—as was said at the time—that "the king appointed Londonderry ambassador to Russia, and the House of Commons cancelled the appointment."[2]

He is forced to resign.

Discredited by these proceedings, Peel felt it necessary to make a great effort to retrieve his position. He had rested his appeal for confidence on the efficiency of his measures, and it was time, therefore, to produce the measures themselves. Accordingly, on the 12th of March, Pollock, the Attorney-General, introduced a bill for the constitution of a consolidated Ecclesiastical Court.[3] On the 17th Peel himself explained the manner

Peel and his colleagues explain their measures.

[1] *Hansard*, vol. xxvi. pp. 951, 953.
[2] *Greville*, vol. iii. p. 229. Cf. ibid., p. 231.
[3] *Hansard*, vol. xxvi. p. 908.

in which he proposed to remedy one of the chief grievances of the Dissenters by providing for their marriages.[1] On the 20th Hardinge moved some resolutions to form the basis of an Irish Tithe Bill;[2] and, on the 24th, Peel communicated to the House his proposal for the commutation of tithes in England.[3] Four measures of greater importance, or devised in a more liberal spirit, had, perhaps, never previously been introduced by any ministry in a single fortnight. They would have justified the keenest Liberal in giving the Administration the fair trial which Peel claimed for it. But the Liberals, angry at the manner in which they had been driven from power, were anxious to avenge the king's treatment of themselves by humiliating Peel. Whigs and Radicals met together to devise a common course of action; and O'Connell consented to support the policy of the Whig leaders. A virtual alliance was thus formed between all sections of the Liberals; and, as Lord Lichfield gave his friends the use of his house, the alliance became ultimately known as the Lichfield House Compact.[4]

The Lichfield House Compact.

An Opposition, which really desired to mark its sense of the king's conduct, had only one course before it. It ought to have seized the first opportunity for proposing a vote of want of confidence in the minister. Such a vote would have decided, once and for ever, that the right of making and unmaking ministries, which lay technically with the king, was in practice confided to the representatives of the people. Althorp, or Spencer, as he had now become, saw this plainly. Russell, who had succeeded him in the lead of the Liberal party in the House of Commons, saw it equally plainly. If his advice had prevailed, he would have asked the House to declare that the just expectations of the country will not be satisfied with anything short of men who will fairly and

[1] *Hansard*, vol. xxvi. p. 1074.

[2] Ibid., vol. xxvii. p. 13. [3] Ibid., p. 170.

[4] The meetings at Lichfield House were on the 18th February and 12th and 23rd of March. *Greville*, vol. iii. pp. 224, 233. I have related in another work the exact circumstances of the famous compact. See *Life of Lord J. Russell*, vol. i. p. 219 *seq.*

frankly adopt the liberal and comprehensive principles on which the Reform Act was founded, or with anything less than the measures which the House of Commons recently dissolved was prepared to adopt.[1] But his friends thought otherwise. Instead of sanctioning a motion, which would have raised the constitutional issue which the king's conduct had provoked, they preferred the milder amendment to the Address, which has already been referred to. Prevented from asking the decision of the House on the main issue, Russell had no alternative but to attack the measures of the minister. Here, at any rate, was ground on which he could hope to combine the various elements of the Liberal party. For much as Peel had done to conciliate the Dissenters, it was possible for the Liberals to offer to do more. Honestly as Peel had endeavoured to deal with the question of the Irish Church, it was open to the Liberals to say that any settlement of it which did not deal with its surplus revenues was inadequate. Thus, instead of raising the constitutional question, which Peel's existence in office suggested, the Liberals set themselves to trump his best cards. They avoided the issue which they ought to have raised, and they raised the issues which they ought to have avoided.

In a tactical sense, indeed, there was an obvious advantage in combining the Liberal party on proposals intended to relieve the Dissenters of England and the Roman Catholics of Ireland. It was true that it was not easy to give the Dissenters all the relief which they were demanding. They complained of unreasonable difficulties in the solemnisation of their marriages and in the burial of their dead; of their liability to Church rates; of their exclusion from the Universities; and they demanded the severance of the Church from the State, as the only effectual remedy for their grievances.[2] No minister could concede all these demands. Peel endeavoured to deal with one of

The Dissenters.

1 *Life of Lord J. Russell*, vol. i. p. 217.

2 The Dissenters' case was represented over and over again in the session of 1834. See, for instance, *Hansard*, vol. xxii. p. 1; and vol. xxiii. pp. 610, 843, 1181.

them in his Dissenters' Marriages Bill. But the Liberals considered that they might both embarrass the ministry and conciliate the Nonconformists by conceding at the same time some educational privileges to Dissenters. The Liberals in 1835 were not all desirous of opening the great Universities of Oxford and Cambridge to the Dissenting community.[1] But they were unanimous in thinking that the Nonconformists might be given the advantages of a University education by conferring a charter on the modern University of London, and by empowering it to grant degrees. A motion to this effect was made in 1833 by Tooke, the member for Truro.[2] The motion, withdrawn for the time, was renewed in 1834, when the Common Council of London addressed the king in its favour.[3] The application excited a good deal of opposition. Oxford and Cambridge regarded "the Gower Street Company,"[4] as the London University was nicknamed, with a good deal of contempt; and they, as well as the medical bodies, petitioned against the proposal. The king was advised to refer all these petitions to the Privy Council.

The London University.

The Privy Council did not succeed in advancing the matter. It listened for a couple of days to the arguments of counsel, but it decided nothing.[5] In these circumstances Tooke, in 1835, renewed his proposal, and moved an address to the Crown praying that the University might receive a charter of incorporation.[6] Peel urged, with much good sense, that the matter was not ripe for consideration. It had been referred by the late Government to a committee of the Privy Council. The committee had not reported. The Tories were not responsible for the delay; and the proper and logical course, therefore, for the House to take was to address the Crown, not for a charter of incorporation, but for a statement of the proceedings of the Privy Council. Logical arguments had little

[1] A bill for this purpose had been thrown out in 1834, in the House of Lords, by 187 votes to 85. *Hansard*, vol. xxv. p. 886.

[2] Ibid., vol. xix. p. 129.

[3] *Ann. Reg.*, 1834, Chron., p. 52.

[4] Ibid., p. 80.

[5] *Greville*, pp. 80, 81.

[6] *Hansard*, vol. xxvii. p. 279.

weight with a House of Commons resolved, at every hazard, to embarrass the ministry. Peel's advice was rejected, and Tooke's address adopted by a large majority.[1]

This defeat was the most embarrassing which Peel had yet sustained. It was becoming impossible for him to conduct the Government; and his resignation was confidently expected. Yet Peel did not resign. He decided on encountering one more defeat before he abandoned the struggle. It has been already stated that Hardinge, on the 20th of March, had introduced an Irish Tithe Bill. Hardinge avoided the complicated arrangements with which Littleton had puzzled Parliament the year before. He proposed, like all his predecessors, to convert the tithe into a rent-charge; to fix the rent-charge at 75 per cent. of the tithe; to facilitate its redemption by the landlord, the purchase-money being invested in land.[2] Hardinge's plan, like Littleton's, was a bribe to the landlords of Ireland to induce them to consent to charge their estate for the benefit of the Church. Hardinge assured the clergy a rather smaller income than they would have received from Littleton. The clergy, therefore, had gained nothing by the rejection of the compromise of the previous year. The scheme was a reproduction of that compromise. All that was good in it was taken from the proposals of the Whig Ministry; and Littleton might say with Virgil—

The Irish Tithe Bill.

"Hos ego versiculos feci tulit alter honores!"

The conduct of the poetaster, indeed, whom Virgil denounced was less culpable than that of Hardinge. The Roman had only claimed the work of another as his own: Hardinge had

[1] The address was carried by 246 votes to 136. *Hansard*, vol. xxvii. p. 301. The king's answer to the address is in ibid., p. 540. The king promised to "call upon the Privy Council without delay for a report of the proceedings adopted in this matter, in order that his Majesty may be enabled to judge what may be the best method of carrying into effect the wishes of his faithful Commons," &c. The committee of the Privy Council met again at the end of May, and, after two days' debate, requested the king to dispense with their advice. *Greville*, vol. iii. p. 262. It is clear, from *Greville*, that the committee was opposed to the charter, which was not ultimately granted till November 1836. Cf. Martineau's *Thirty Years' Peace*, vol. ii. p. 218.

[2] *Hansard*, vol. xxvii. p. 18.

adopted the measures which he had resisted in Opposition. "The Government," said Barron, an Irish member, "had abandoned every principle they had ever professed. They had been guilty of a dereliction of every duty. There was only one possible way of accounting for their having thus abandoned every principle, and that was their base desire of holding office."[1]

The attack which was thus made was warmly resented by Hardinge; and the Speaker was ultimately compelled to interfere. Warmth and abuse did not, however, advance the cause of the Opposition. The Liberals could not afford to throw out the Tithe Bill, but they could consistently decline to accept a bill which did not appropriate to other than ecclesiastical purposes the surplus revenues of the Irish Church. There was, indeed, one objection to this course. Grey's Government had referred the consideration of the temporalities of the Irish Church to a commission: just as it had referred the application of the London University to a committee of the Privy Council. The commission had not reported, just as the Privy Council had not reported; and Tory members could fairly argue that it was illogical to decide on appropriating the surplus revenues of a Church until it was authoritatively determined whether there were any surplus revenues to appropriate. The Liberals, however, knew that every member of their party was ready to deprive the Church of Ireland of some portion of its temporalities: they knew that no Tory would consent to anything of the kind. A motion, therefore, on the Irish Church afforded the readiest means for combining their own friends and for decisively defeating their opponents.

The appropriation clause.

Russell himself conducted the attack which it was decided to make. On Monday, the 30th of March, he asked the House to resolve itself "into a committee of the whole House to consider the temporalities of the Church of Ireland." He declared his intention of proposing in committee that any surplus which may remain, after fully providing for the

[1] *Hansard*, vol. xxvii. p. 118.

spiritual instruction of the members of the Established Church in Ireland, ought to be applied locally to the general education of all classes of Christians.[1] The debate, thus commenced, extended over four nights. The Opposition endeavoured to show that the revenues of the Irish Church amounted to at least £800,000 a year: the ministry declared that they could not fairly be computed at more than £450,000.[2] A difference of this character proved the necessity for waiting till the Irish Church Commission had reported. It was obvious that the question admitted of no satisfactory solution till the property of the Church could be stated with precision. The Liberals, however, had resolved on winning the victory which their numbers enabled them to secure. On the morning of the 3rd of April they carried Russell's motion by 322 votes to 289.[3] The fate of the Government was sealed by the division.

Yet Peel did not resign. The House had committed itself to nothing but the appointment of a committee on the Irish Church; and this decision did not necessitate the retirement of the ministry. On the evening after the preliminary motion had been carried Russell proposed the resolution, of which he had already given notice, for the local application of the surplus revenues of the Church to the general education of the Irish. The debate was protracted over the evening, and adjourned till the following Monday. The committee then adopted Russell's proposition by 262 votes to 237.[4] Yet still Peel did not resign. The motion did not pledge the House to any definite action. A report from the Irish Church Commissioners that the Church had no surplus revenues would deprive it of all significance; and it was necessary, therefore, for the Opposition to win one more victory before Peel abandoned the struggle. On the 7th of April, Russell proposed that "no measure upon the subject of tithes in Ireland can lead to a satisfactory and final adjustment which does not embody the principle" which his previous resolutions had laid down. The House

Peel is defeated,

and resigns.

[1] *Hansard*, vol. xxvii. pp. 361, 384.
[2] Cf. ibid., pp. 368, 578 with p. 587.
[3] Ibid., p. 770.
[4] Ibid., p. 861.

adopted the new motion by 285 votes to 258;[1] and, on the following morning, Peel resigned his office into the king's hands.

The experiment of a Conservative Ministry had failed. Peel had only held power for four months. He had only been able to protract the struggle in Parliament for six weeks. In those six weeks he had been defeated on the Speakership; he had been defeated on the Address; he had been defeated on the London University; he had been defeated three times on the Irish Church; yet every impartial observer admitted that the credit was with him, and not with those who had beaten him. He had proved himself, as a foreign statesman put it, "the most liberal of Conservatives, the most conservative of Liberals, and the most capable man of all in both parties."[2] He forced one of those who voted against him to record that "never did a statesman enter office more triumphantly than Sir Robert Peel left it."[3] The opinions which were thus expressed by Guizot and Bulwer were shared by almost the whole Liberal party. The Tories alone refrained from praising the great statesman who had displayed such signal capacity in their service. Tory writers declared that he had prepared the final ruin of the Church.[4] Tory politicians complained that he was prematurely abandoning a struggle which no other man alive could have maintained so long.[5] Complaints of this character had no weight with the majority of observers. They recognised his capacity, they admired his liberality, and they boldly foretold his return to power.

If the wiser Tories had reason to congratulate themselves on the ability and conduct of their leader, the Liberals had equal grounds for satisfaction in the capacity which Russell had displayed. Only a few months before, Melbourne had not ventured to dispute the king's assertion that, opposed to Peel, Russell would make a poor figure. He had been opposed to Peel, and by the universal consent of all parties,

[1] *Hansard*, vol. xxvii. p. 969.
[2] Guizot's *Life of Peel*, p. 141.
[3] Bulwer's *Peel*, p. 108.
[4] *Hansard*, vol. xxvii. p. 600.
[5] *Greville*, vol. iii. p. 245.

had proved himself an opponent whom even Peel could not venture to disregard. Forced through no fault of his own to fight the battle on badly chosen ground, ill-supported by his former colleagues, he had secured—almost through his sole efforts — a decisive victory. Thus, while the events of the struggle confirmed the reputation which Peel had already secured, they raised in a much greater proportionate degree the reputation which Russell had previously made. The Tories could console themselves by reflecting that Peel had fulfilled the promise of his career, while the Liberals could reply that Russell, at one stride, had attained a position in debate which none of his followers could have ventured to predict for him.

There was, however, one man who derived little comfort from these circumstances. The king had dismissed the Melbourne Ministry in the autumn of 1834; and he had the mortification to find that he was compelled to have recourse to his old servants in the spring of 1835. The annoyance of William IV.

He could hardly avoid perceiving, moreover, that his own conduct in November had produced the crisis of April. "If," said a keen observer, "you are sure a man is dying of consumption, why should you strangle him?"[1] The Melbourne Administration was dying of consumption in the autumn. If it had been left to die alone, no efforts could have resuscitated it. The king chose to strangle it. His hasty choice afforded the Liberal party a fresh reason for cohesion, the Liberal Ministry a new term of office; and the last attempt made by a king of England to play the autocrat resulted in the humiliating submission of the Crown.

The king, indeed, making one effort to avoid a distasteful necessity, invited Grey to form a ministry. Grey refused; and William IV., having no other alternative before him, entrusted Melbourne with the duty of forming a Government. The task was completed without any great difficulty. Melbourne himself became Prime Minister; Spring Rice, whose management of figures made some people Melbourne forms a ministry.

[1] *Life of Archbishop Whately*, vol. i. p. 243.

think him a financier, Chancellor of the Exchequer; Russell, who was married to Lady Ribblesdale amidst the turmoil of the change, Home Secretary and the leader of the House of Commons; Palmerston and Charles Grant, who was made Lord Glenelg, respectively accepted the seals of the Foreign and Colonial Departments. There were three persons, however, for whom it was more difficult to provide. Melbourne could not venture on restoring Littleton to the Irish Office and Brougham to the Woolsack. He could not overlook the claims of O'Connell to reward.

O'Connell, Brougham, and Littleton.

O'Connell was the greatest of living Irishmen: he was the greatest of living orators. Such a man as this might have been admitted into the ministry and rewarded with the position which his abilities deserved. The narrow views which animated the king, and which were shared by many of the Whigs, unfortunately, rendered such an arrangement impossible; and O'Connell, finding his exclusion inevitable, voluntarily agreed to waive his own claims for the sake of the Liberal party.[1] The king entertained as strong objections to Brougham as he felt towards O'Connell; and Brougham, discreetly reminded that "si vous avez un roi, il faut un peu le ménager," was almost persuaded to regard his temporary exclusion from office as a tribute to his capacity, and was induced to consent to the Great Seal being placed in commission.[2] Littleton's claims could not be compared with those of either Brougham or O'Connell. But it was difficult for Melbourne either to neglect an old colleague or to confer any place on the man whose conduct had broken up the Grey Ministry. Fortunately for Littleton the British Constitution has provided a haven in which distinguished lawyers, successful commanders, superannuated statesmen, wealthy country gentlemen, and disappointed politicians are all accustomed to find both dignity and repose. Littleton became Lord Hatherton, and ceased to inflict the disadvantage of his assistance on his political friends.

[1] *Melbourne*, vol. ii. p. 121.

[2] *Chancellors*, vol. viii. p. 467. The commissioners were Pepys, afterwards Lord Cottenham, Vice-Chancellor Shadwell, and Mr. Justice Bosanquet.

These arrangements necessitated a good many fresh elections. Unluckily for the new ministry, Russell, Grant, and Littleton represented county constituencies, and county electors had little love for Liberal measures. Chisholm, a Conservative, replaced Charles Grant in Inverness-shire; Sir H. Goodricke, a Conservative, succeeded Littleton in Staffordshire; and the electors of Devon chose Parker, a Conservative, to succeed Russell. Russell's defeat was the more serious, because, at the general election in January, Palmerston had lost his seat for Hampshire. The Whig Ministry was compelled, in consequence, to meet Parliament without the assistance of either Palmerston or Russell. Arrangements were, of course, soon made for providing both of them with seats. Palmerston took refuge in Tiverton, a borough which he continued to represent for more than thirty years. A vacancy was made for Russell in the representation of Stroud.

Conservative successes.

Three defeats in three important counties augured ill for the popularity of the new Administration. In the House of Lords the Whigs did not expect either popularity or consideration. There it was almost universally believed that the Tories had been overthrown by a corrupt combination of the Whigs with O'Connell. The great Irish agitator had always been regarded with horror by the Lords. Their indignation had been recently inflamed by a proposal which he had made to convert the Upper House into an elective assembly. The Whigs, it was argued, had allied themselves with an agitator pledged to repeal the Union, and to lay his unholy hands on the constitution of the House of Lords. On the 18th of April a Tory peer, Lord Alvanley, broke the silence which he usually preserved by asking Melbourne to explain the terms by which he had procured the assistance of O'Connell. Melbourne easily disposed of the question. "I know not," he answered, "whether I shall have the aid of Mr. O'Connell. I have certainly taken no means to secure it, and most particularly I have made no terms with Mr. O'Connell."[1] The subject should have dropped with this answer.

Lord Alvanley and O'Connell.

[1] *Hansard*, vol. xxvii. p. 1002. Cf. *Melbourne*, vol. ii. pp. 117–121.

It was, unluckily, revived on the following Monday in the House of Commons by Colonel Sibthorp, the member for Lincoln, a gentleman who had already gained a reputation for setting out unpleasant facts in an inoffensive manner. Sibthorp declared that "he would not accuse any man of telling an untruth;" but he for one never would believe that "O'Connell had not been a prompter and adviser in the things that had taken place." O'Connell did not contradict the imputation, but he contrasted the "good temper and politeness" of Sibthorp with "the different style" which had been employed by a "bloated buffoon" elsewhere.[1] The "bloated buffoon" naturally resented the offensive epithet, and sent a friend to O'Connell with a demand for an apology or satisfaction. An apology O'Connell would not offer: satisfaction, in the sense which the word then bore, he had resolved for twenty years never to afford to any one. His son Morgan, however, was too true an Irishman to tolerate with equal patience the position in which his father had placed himself. He saw no harm in calling a man a bloated buffoon; but it was only proper to exchange shots with him afterwards. As his father would not fight, he was ready to take his father's place. The proposition was gravely referred to a private meeting of Alvanley's friends; and it was ultimately decided by Alvanley's own vote that the duel should take place. Three shots were exchanged, but no injury was done to either of the duellists.[2]

The duel was gradually forgotten, but the circumstances which had been indirectly responsible for it continued. The Irish themselves, thinking that an understanding had been arrived at between the Government and O'Connell, decided on giving the new Lord Lieutenant an enthusiastic welcome. Lord Mulgrave, whom Melbourne had selected for the Viceroyalty, and who had done good service as Governor of Jamaica, was conducted to the Castle by a procession, in which banners bearing inscriptions usual enough in Ireland were freely displayed. These inscrip-

Lord Mulgrave's reception in Dublin.

[1] *Hansard*, vol. xxvii. p. 1009. [2] *Greville*, vol. iii. p. 257.

tions pledged the populace to the repeal of the Union and to the extinction of tithes. It was thought in England that the new Viceroy should have declined the honour of an escort which chose to assume a partisan character. One of his own friends, indeed, declared that "he would rather have been torn in pieces by the Dublin mob than have entered the city in procession with them." Wellesley hastily resigned the office of Lord Chamberlain; and, though he declared himself ignorant of all the circumstances, it was generally believed that his retirement was due to his dislike of a policy which had culminated in Mulgrave's entry into Dublin.[1]

Some time elapsed before the new ministry was in a position to bring forward its Irish measures. It was not till the 26th of June that Lord Morpeth, the eldest son of Lord Carlisle, who had been made Chief Secretary for Ireland, introduced the Tithe Bill. Past experience assisted in its preparation. There was an agreement among all parties that the burden of the tithe should be transferred from the occupier to the owner. All of them, moreover, proposed that the tithe-owner should give up some portion of his income, in return for the better security which he would obtain by drawing it from the owner of the soil. Morpeth decided on commuting every £100 of tithe for £70 of rent-charge; on charging on the tithe-owner the cost of collection, which was estimated at 6*d.* in the pound; and on thus reducing the amount paid by the landowner, and received by the tithe-owner, to £68, 5*s.* As, however, so considerable a reduction of income would be a serious matter to many existing incumbents, he proposed to allow all existing clerical tithe-owners an additional £5 per cent. out of the Perpetuity Purchase Fund. The landowner, under Littleton's scheme, was saddled with 60 per cent.; under Hardinge's scheme with 75 per cent.; under Morpeth's scheme with 68¼ per cent. of rent-charge for every £100 of tithe previously paid by his tenantry. The existing incumbents received, under Littleton's scheme, 77½ per cent.;

The Tithe Bill of 1835.

[1] *Hansard*, vol. xxviii. pp. 8, 10. *Greville*, vol. iii. p. 258.

under Hardinge's scheme, 75 per cent.; under Morpeth's scheme, 73¼ per cent. of their tithe.[1]

These figures ought to have satisfied the best friends of the Irish Church that they had nothing to gain from delaying a settlement of the question. Hardinge had given the clergy less than Littleton; and Morpeth offered them less than Hardinge. In one respect, however, the tithe-owners obtained a substantial concession. In 1833 Parliament had granted a sum of £1,000,000 to be advanced to the distressed clergy of Ireland on the security of the arrears which the tithe-owners had been unable to collect. Of this £1,000,000, £637,000 had been thus advanced. Throughout 1834 Littleton had deluded himself with the notion that the advances would be gradually repaid. In 1835 both Hardinge and Morpeth decided on abandoning them.[2] The tithe-owners were, in consequence, offered the arrears as a free gift.

If the scheme, which has been thus described, had stood alone every party in the State would, probably, have co-operated in carrying it. It was impossible, however, for the Melbourne Administration to offer such a plan by itself. The men who had voted in April that no Tithe Bill would be satisfactory which did not dispose of the surplus revenues of the Church could not introduce a bill in June without some provisions for this purpose. The provisions which Morpeth suggested were moderate enough. He proposed to suspend the presentation to any benefice which did not contain fifty members of the Church of England.[3] But provision was, everywhere, to be made for the religious accommodation of scattered Churchmen. Even in those parishes where there was no church, glebe house, or Churchman, the

The appropriation clauses of the bill.

[1] *Vide ante*, vol. iii. p. 470; vol. iv. p. 19; and *Hansard*, vol. xxviii. pp. 1319, 1325.

[2] *Hansard*, vol. xxvii. p. 21; and vol. xxviii. p. 1324.

[3] In his speech Morpeth said fifty Protestants, but the context proves that he intended to say fifty members of the Church of England. The correction is important, as there were 664,164 Protestant Dissenters in Ireland, and 852,046 members of the Established Church. The Protestant Dissenters were, therefore, almost as numerous as the Church people. There were 6,427,712 Roman Catholics. Ibid., vol. xxviii. pp. 1331, 1332.

minister of an adjoining parish was to receive an additional £5 a year for the cure of the souls which did not exist. Where only one Churchman could be found in the parish, provision was to be made for his spiritual necessities either by the appointment of a curate, at a salary of not more than £75 a year, or by an addition of from £10 to £50 a year to the stipend of a neighbouring clergyman.[1] Out of 2405 parishes in Ireland there were no fewer than 151 in which there were no Church people; there were no fewer than 860 in which there were not fifty Church people. The surplus stipends attached to these benefices would, it was estimated, produce £58,000 a year.[2] In addition, Morpeth proposed that in every parish in which there were more than fifty Church people, and which was endowed with more than £300 a year, the Lord Lieutenant should be at liberty to make such deduction from the value of the cure (so, however, that the income should not be less than £300) as he thought proper.[3]

Peel took the opportunity, which the debate on the introduction of the bill afforded him, of stating that he concurred with that portion of it which substituted a rent-charge for the tithe. To the other portion of it, however, which alienated the property of the Church, he felt the most decided objection. He proposed, under these circumstances, to allow the measure to be read a second time; to reserve his opposition to the motion for going into committee; and then move an instruction to the committee to divide the bill into two parts. Those who agreed with him would thus have the opportunity of opposing that part of the measure which they disapproved without endangering that other portion of it to which they assented.[4] The arrangement was carried out: the bill was read a second time without discussion. Peel's proposition for dividing the bill into two parts was subsequently rejected by 319 votes to 282, and the House resolved itself into committee.[5]

Peel endeavours to divide the bill into two.

[1] *Hansard*, vol. xxviii. p. 1334. The curate was also to occupy the glebe house, where there was a glebe, and to have a small portion of the glebe.

[2] Ibid., pp. 1339–1342.

[3] Ibid., p. 1336.

[4] Ibid., vol. xxix. p. 287.

[5] Ibid., p. 1067.

The Government had won a fresh victory; but its victory was embarrassing. The House of Commons had again pledged itself to the policy of declining a reform on which all parties were agreed, unless it was accompanied with a provision on which the opinion of Parliament was evenly divided. The balance of opinion in the Commons was, indeed, in favour of the course which the ministers were taking; but the Lords were bitterly opposed to it. They, in consequence, took the course which Peel had wished to take in the Commons. They read the bill a second time; passed that portion of it through committee which related to the substitution of a rent-charge for a tithe; and, by a majority of 138 votes to 41, struck out all the clauses which related to the sequestration of the Church revenues.[1] It was in vain that Melbourne warned the Lords that, if the clauses were omitted, he would be no party to proceeding with the measure. The Lords only laughed at his threats. The country—so every nobleman knew—saw plainly enough that the difficulty was occasioned by the Whig leaders. They had imported appropriation into the Tithe Bill on the same principle on which the Consubstantialists introduced the word ὁμοούσιον into the Nicene Creed. No Arian would admit that Christ was of the same substance with the Father; no Tory would admit that appropriation was a subject within the scope of parliamentary discussion. The Arians were driven into schism by the narrow intolerance of their rivals; the Tories were driven out of power by the dexterous but short-sighted amendment of the Whigs. The Church of Christ was destined to be oppressed for centuries by a declaration of faith which the human mind is even incapable of understanding. The amendment of 1835 was destined to be the chronic difficulty of the Whig Ministry.

The Lords reject the appropriation clauses.

Irish tithes had proved a fatal question to both the great political parties in the State.[2] The greater portion of the

[1] *Hansard*, vol. xxx. pp. 746, 885, 934.

[2] As one effect of the loss of the Tithe Bill the ministry was legally compelled to proceed against Irish clergymen for the advances made to them out of the £1,000,000 fund. The clergy were, however, so destitute that it was impossible

session was wasted by discussions upon them; and little time was available for the other matters which Parliament had before it. The Legislature, however, found leisure to deal with one other subject. One of the first results of the Reform Act was to draw attention to the defective local government of many of the largest towns. Most of the new boroughs constituted under that Act had no municipalities. The municipalities by which the old boroughs were governed were generally self-elected and corrupt. The abuses which pervaded the old parliamentary system were reflected in the old municipalities. Before 1832 the country was governed by a Legislature more than half of whose members were the representatives of a few powerful individuals. The town which had received a charter of incorporation was at the mercy of a small, corrupt, and irresponsible oligarchy.

The condition of these municipalities naturally forced itself on the consideration of the new House of Commons. Peti-

to do this either with justice or with success, and ministers accordingly introduced a measure authorising them to suspend such suits. *Hansard*, vol. xxx. p. 1119. The bill was opposed by Hume, and passed. It led to a quarrel between Hardinge and Grattan, the member for Meath. Hardinge called Grattan absurd; Grattan retorted that Hardinge was impertinent; and a duel seemed at one time likely to ensue. Ibid., p. 1235. The future historian of parliamentary manners may care to recollect that the parliamentary session of 1835 produced one duel—that between Morgan O'Connell and Lord Alvanley—and four quarrels nearly resulting in duels. One of them has been related in this note; the second of them—between Hardinge and Barron—has been referred to *supra*, p. 20. The third arose from an attack of Hume upon Peel, in which Peel understood Hume to say that his conduct was inconsistent with that of a man of honour. *Hansard*, vol. xxvii. p. 55. Peel wrote to Hume calling him to account for his words; and Roebuck, reading the minister's letter to the House, proposed to move that "it was a breach of privilege for the Chancellor of the Exchequer to call out the Honourable Member for Middlesex." Ibid., p. 98. Happily, Hume had already explained away his words, and the incident led to nothing more serious than a loud laugh at Roebuck's proposal. It, however, also elicited the fact (which seems to have escaped the attention of the writers on duelling), that Peel, in 1829, had made it a capital felony for one gentleman to pull a trigger upon another. Ibid., p. 101; and 9 Geo. iv. c. 21. Hume was also one of the parties in the fourth quarrel. *Hansard*, vol. xxviii. p. 485. It may be added that part of the £1,000,000 intended for the relief of starving incumbents was allotted to wealthy dignitaries of the Church and still wealthier peers who happened to be lay tithe-owners. See ibid., vol. xxxv. p. 1203.

tions for their reform were presented from various places;[1] and Althorp moved for a select committee to inquire into their condition.[2] An effort was made to include Scotland within the terms of the inquiry; and this proposal was only abandoned on the announcement that Jeffrey, as Lord Advocate, would deal separately with the Scotch boroughs.[3] The committee was appointed. But its members soon found that an inquiry, conducted in London, must be either expensive and protracted or incomplete. They resolved, therefore, on recommending the appointment of a commission capable of dividing the country into districts, and of inquiring locally, through the agency of some of its members, into each municipality.[4] This suggestion was adopted by the Government, and a commission was at once appointed. The commissioners did not find it possible to complete their labours with the speed which the committee had anticipated. Their inquiry, commenced in the autumn of 1833, was not concluded till the spring of 1835. Their report, which was then issued, was one of the longest and most elaborate documents that had ever been published under the authority of Parliament. It had the merit of placing the whole history of corporations before the public, and of foreshadowing the great measure of reform which immediately resulted from it.

Corporation reform.

The Municipal Commission.

At a time when the vast majority of their fellow-countrymen were the "villeins" of the neighbouring landlord, a few men collected together in some little enclosures for the purpose of plying the humble trades which were the means of their existence. They soon discovered that the man whose body and whose property were at the mercy of another was incapable of becoming a successful tradesman, and they consequently resented the superiority of the lord, and claimed to be free. Thus, in every part of England, little settlements, formed for the purposes of trade, became the great nurseries

[1] See, for instance, *Hansard*, vol. xv. pp. 949, 1187.
[2] Ibid., vol. xvi. p. 645. [3] Ibid., pp. 648, 655.
[4] The report is in *Ann. Reg.*, 1833, Chron., p. 337.

of freedom. It is the distinguishing merit of the free man that he claims equal privileges for those who come after him. The freeman insisted that every one who was born to him, every one who married his daughter, every one who served an apprenticeship to his trade, should be as free as himself. These honest burghers, shrinking from the enforced servitude of their less fortunate fellow-countrymen, were laying the foundations of the prosperity of their towns. They were doing more. They were laying the foundations of a free England.

The origin of municipal institutions.

Men, collected together in a common centre, find it expedient to act together. The burghers found it necessary on extraordinary occasions to meet and agree upon some common measure for the common good. In the course of time experience proved the inconvenience of these large meetings, and committees were appointed for the management of the affairs of each town. These committees were gradually entrusted with the simple duties which government was required to discharge in those ages, and thus municipal institutions were established in practice before they were settled by law.[1] This alteration was attended with one advantage and one evil. The town increased in importance from the action of its governing committee; but the committee too frequently usurped the authority of the freemen. This usurpation went on more rapidly from the times of the Tudor sovereigns. The Tudors desired to conciliate the great centres of industry for which Simon de Montfort, two or three centuries before, had secured parliamentary representation The easiest method of conciliating them was to grant charters of incorporation to the towns. The Tudor monarchs, therefore, granted charters to most of the parliamentary boroughs. In some instances the whole body of the freemen resident in the borough constituted the corporation; but in most cases the corporators were composed of a small and select body. Even in those towns where the number of the corporators was indefinite the freemen soon ceased to regard themselves

[1] Corporation Report, Parliamentary Papers, 1835, vol. xxiii. p. 16.

as part of the corporation; and the corporation was popularly considered to consist exclusively of the ruling body.[1] The corporators, in their turn, limited the number of freemen. The freedom of a borough was no longer confined to those who were born within its limits, or to the sons-in-law and apprentices of freemen. Wealth or favour became the easiest passports to it; and in the great majority of boroughs the mass of the inhabitants was no longer free. In Liverpool, for example, there were 165,000 people, but only 5000 freemen; in Portsmouth, 46,000 persons, and only 102 freemen.[2]

The freemen.

The freemen would have increased less rapidly if political ends had not stimulated their creation. At Maldon, where 17 persons were usually admitted every year to the freedom of the borough, 1000 freemen were created during the general election of 1826. "Admission to the corporate body," wrote the commissioners, "is commonly sought mainly with the view to the lucrative exercise of the elective franchise."[3] This abuse was destroyed by the Reform Act, and the number of admissions fell off in a remarkable manner.[4] But the privileges of freemen were not all destroyed by parliamentary reform. In many boroughs they had an exclusive right of pasturage on particular commons, or an exclusive claim to the funds of particular charities, or they were able to claim exemption from the borough tolls. The value of the pasturage enjoyed by a freeman at Beverley was computed at £25 a year.[5] A merchant at Newcastle, who happened to be a freeman, saved £450 a year in tolls.

The Mayors and Common Councils.

The freemen, though they enjoyed these privileges, had rarely any share in the government of the borough. Its government was usually vested in a chief officer and council. In small boroughs the mayor was practically entrusted with almost the sole authority, and occasionally with the whole revenues of the corporation.[6] The mayor, in these instances, was never called upon for an account

[1] Parl. Papers, Session 1835, vol. xxiii. p. 18.
[2] Ibid., p. 33.
[3] Ibid., p. 34.
[4] Ibid., p. 35.
[5] *Hansard*, vol. xxviii. p. 1003.
[6] Report, pp. 21, 23.

of the manner in which he discharged his trust; and the funds of the borough were notoriously perverted from their real uses. Soon after the disfranchisement of Grampound the mayor left the borough, took the accounts away with him, and did not think it necessary to reappear.[1] The mayors, however, were not the only defaulters. Their councils were equally corrupt. It would have been odd if it had been otherwise. The councils were usually self-elected. The councillors ordinarily held office for life. They were generally animated by only two inducements—to improve their own fortunes, and to perpetuate the ascendency of the political party to which they happened to belong.[2] The funds of the borough were expended in the salaries of unimportant officers, and on entertainments to the friends of the Common Council.[3] The property of the borough was frequently let to members of the council upon a rent and at fines wholly disproportionate to its value.[4] The property of the borough was occasionally insufficient for the corrupt desires of these local oligarchs. In one borough, at any rate, which possessed lands worth £6000 a year, it was resolved to mortgage the property, and to divide the borrowed money among the freemen.[5] Tolls and dues granted by the Legislature for objects of local utility were commonly converted into private property.[6]

In the great majority of boroughs there were local civil courts, or courts of record; and in the principal boroughs there were municipal magistrates, often chosen by the Common Council, and usually members of it, whose authority as justices extended over the whole borough. No jurisdiction could have been worse. The population had commonly outgrown the limits of the corporate authority. Four towns, Bristol, Rochester, Carlisle, and Hull, taken from different parts of the country, had an aggregate population of 190,000 people—93,000 people dwelt within, 97,000 without, the limits of the corporate authority. Fifteen precincts of

Municipal justice.

1 Report, p. 37.
2 Ibid., p. 36.
3 Ibid., pp. 33, 45.
4 Ibid., p. 45.
5 Ibid., p. 46.
6 Ibid., p. 47.

Canterbury were exempted from the jurisdiction of the corporation.[1] Defective organisation of this kind was, however, only one of the evils of the system. Whimsical varieties existed in the charters of the boroughs. In Bath, with a population of 50,000, the local courts had no power to try a felony. In Dunwich, with a population of 232, the local courts could sentence a man to death. The magistrates who exercised these various powers were frequently illiterate. It was said at Malmesbury that they were often unable to read or write.[2] In most boroughs, indeed, they were usually assisted in criminal cases by a Recorder.[3] But the Recorder was not necessarily a lawyer; he did not always consider attention to his work a necessary part of his duty. The Recorder of Carmarthen held his office for fifty years without once visiting the borough. The Recorder of Lancaster did not attend the Quarter Sessions once between 1810 and 1832.[4] In the absence of the Recorder the town clerk generally tried the cases. At Reading the town clerk tried a case in which his own partner was one of the attorneys.[5]

These abuses must necessarily have been known to a great many people. Yet so long as Parliament was unreformed no one drew attention to them. They received their death-blow from parliamentary reform. Some of the smaller boroughs had no funds: their expenses were defrayed by their patron; and the patron naturally declined to go on contributing towards their support when he ceased to derive any benefit from the borough. In these cases the municipality died a natural death, the corporation having no means of sustaining municipal institutions.[6] The unreformed House of Commons was, in fact, dependent on the unreformed corporations. The unreformed corporations were the cause and consequence of the unreformed House of Commons. Both were founded on monopoly; both were supported by corruption; both were teeming with abuses; and the Act, which transferred the

[1] Report, pp. 26, 28, 31.
[2] Ibid., p. 39; and cf. Campbell's *Life*, vol. i. p. 290.
[3] Report, p. 22.
[4] Ibid., p. 38.
[5] Ibid., p. 41.
[6] Ibid., p. 31.

power of the State from the few to the many, was necessarily followed by a law transferring the power of local government from the corporations to the inhabitants.

Municipal reform in Scotland.

Reform was, in the first instance, accomplished in Scotland. In 1833, Jeffrey, as Lord Advocate, introduced two bills—one to enable the £10 householders to elect the councils of the royal boroughs, the other to provide municipal institutions for the new parliamentary boroughs. The inquiry which Lord Archibald Hamilton had persuaded an unreformed House of Commons to institute fifteen years before at length bore fruit.[1] An unreformed Parliament had declined to interfere with the machinery for governing the royal boroughs. In a reformed House of Commons, Jeffrey's bills were passed almost in silence; and the municipalities in Scotland became thenceforward the creatures of popular election. Two years elapsed before a similar reform was extended to any other portion of the United Kingdom. The commissioners of 1833 were laboriously doing in England and Wales the work which Hamilton's Committee had already done for Scotland; and the result of their labours was not made public till after the commencement of the session of 1835.

The Corporation Bill introduced.

The bill, which was founded on the recommendations of the commissioners, was entrusted to Russell. Russell spoke with the authority which attaches to the leader of the House of Commons; the influence which he had derived from his introduction of the Reform Bill had rapidly increased from the ability which he was displaying. His task in 1835 was, however, much easier than his task in 1831. In 1835 he had the advantage of speaking from a brief which had been carefully prepared, and to an audience resolute on reform. The abuses which inquiry had revealed were indisputable; and Russell rather weakened than strengthened his case by describing the corporation of Aldborough, a Tory borough of which Lord Hertford had been the patron, and which Croker had represented. The attack

[1] See *ante*, vol. ii. p. 334.

was indiscreet. Croker had definitely retired from Parliament, and was no longer worth attacking. Aldborough, rotten as it was, was not more rotten than a dozen other municipalities. Peel easily turned the tables on Russell by describing the abuses in the Whig boroughs of Derby and Portsmouth. Corruption, Russell ought to have known, was not confined to one political party. The merit which his own friends could claim was not that of having abstained from corruption, but of desiring to terminate it.[1]

Its principal provisions.

Russell proposed that the bill should apply to 183 boroughs. These boroughs, which did not include the metropolis, contained an aggregate population of 2,000,000 people, or on an average 11,000 souls each. In the majority of cases the boundary of the parliamentary borough was to be the boundary of the municipality: in a few instances the Crown was to have power to define the municipal boundary. The governing body was to consist of a mayor and council, and the councillors were to be elected by residents who had been ratepayers for three consecutive years. The twenty largest boroughs were to be divided by the king in council into wards, and a certain number of common councilmen were to be attached to each ward. The pecuniary

[1] Aldborough was bad enough. The council was composed of Lord Hertford, two members of his family, his solicitor, his land agent, his steward, Croker, a captain in the navy, and a chamberlain. "To some future antiquary," said Russell, "who should not carry his researches completely into the history of the present age, it might seem that to find a noble lord and the Right Hon. John Wilson Croker devoting their talents and attention to the business of the borough, was a proof of most extraordinary and exemplary kindness." *Hansard*, vol. xxviii. p. 547. "I hope," replied Peel, "the antiquarian will travel into the interior. . . . I hope he will go to Derby. . . . He will find it stated, in the case of the corporation of Derby, that, whenever they thought the number of the freemen in their interest was 'getting low,' the mayor or some other influential member of the corporation applied to the agents of the Cavendish family and requested a list of the names of persons to be admitted as honorary freemen. On the last occasion on which honorary freemen were made almost all of them were tenants of his Grace the Duke of Devonshire. The agents of his Grace paid the fees on the admission of the honorary freemen. Without the admission of such freemen, it was said the corporation 'could not have kept the Tories quiet; they would have been restless.'" Ibid., p. 563.

rights of existing freemen were to be preserved; but they were to die out as the freemen gradually dropped off. All exclusive trading privileges were to be abolished. Separate committees, chosen, not from the Common Council, but from the burgesses, were to be appointed for the management of the charity estates. A recorder, to be nominated by the Crown, was to be allotted to any borough which thought proper to provide an adequate salary for the office; but the recorder was, in every case, to be a barrister of five years' standing.[1]

Such were the principal provisions of the great measure of corporation reform introduced in 1835. It created almost as much sensation as the Reform Bill. Many eminent lawyers were of opinion that the Crown had technically no power to appoint a commission to inquire into the rights of corporations. It followed that the mass of evidence which the commissioners had obtained was collected in an irregular way, and could not be considered legal testimony. Parliament, it was therefore argued, ought to ignore the case against the corporations, and refuse even to discuss the provisions of the bill.[2] Fortunately for the country, the promise which Peel had made in office was no idle pledge to be cast aside in Opposition. The leader of the Conservative party had no fancy for making himself the spokesman of old-fashioned Tories. He had the courage to declare himself, at once, in favour of a large measure of reform,[3] and his declaration facilitated the progress of the bill. The Tories hated Reform, but they were powerless in the Commons without Peel. They were compelled, therefore, to conceal their dissatisfaction.[4] The great measure which Tories like Eldon thought even more iniquitous than the Reform Act was read a second time on the 15th of June, almost without debate, and without a division.[5] It was inevitable that its passage through committee should

The Tories dislike the measure.

[1] *Hansard*, vol. xxviii. pp. 541–558.
[2] *Eldon*, vol. iii. p. 247.
[3] *Hansard*, vol. xxviii. p. 558.
[4] *Greville*, vol. iii. p. 263.
[5] *Hansard*, vol. xxviii. pp. 820–843.

provoke discussion. A bill, comprising some 200 clauses, dealing with an extensive property, extinguishing the privileges of influential minorities, and conferring authority on unrepresented majorities, necessarily raised a great many difficult questions which deserved and required consideration. Sir William Follett, a barrister, who had risen rapidly to the front rank of his profession, and who had been appointed Solicitor-General in Peel's short-lived administration, endeavoured, on the 23rd of June, to preserve the rights of freemen to the parliamentary franchise, and was only beaten by 278 votes to 232.[1] A week afterwards Peel himself attempted to attach a qualification to town councillors, and was beaten by 267 votes to 204.[2] Stanley, on the same evening, desired that a third of each council should retire biennially instead of annually, and was also beaten by 220 votes to 176.[3]

The bill passes the Commons,

No other point of serious importance was raised in the Commons. On the 17th of July the measure was reported;[4] on the 21st of July it was carried to the Lords.[5]

The ministry had thus succeeded in passing a great measure through the Commons. Its success was partly due to the moderation of Peel. Peel's influence, however, was almost exclusively confined to the Lower House of Parliament; and the Lords were not amenable to his advice. On the 28th of July, Lord Strangford, the Tory peer who had been promoted to the English peerage for his diplomatic services,

and is sent to the Lords.

proposed that counsel should be heard in support of a petition from Coventry against the bill. The ministers could

[1] *Hansard*, vol. xxviii. pp. 1069 1112. The parliamentary franchise of freemen had been preserved by the Reform Act, and this bill, disfranchising future freemen, was naturally, therefore, exposed to much opposition. The Conservatives were not satisfied with their defeat. They again raised the question on the 16th of July, and were again defeated by 262 votes to 234. Ibid., vol. xxix. pp. 646-669. Immediately afterwards they brought forward an amendment to preserve all the other rights of freemen, but they were again beaten by 234 votes to 203. Ibid., p. 677.

[2] Ibid., vol. xxix. p. 120. Peel proposed that the qualification in boroughs divided into wards should be the possession of £1000 or a rating at £40 a year. In boroughs, not so divided, £500 or a £20 rating. Ibid., p. 104.

[3] Ibid., p. 124. [4] Ibid., p. 715. [5] Ibid., p. 785.

not, of course, accept a motion which would have been fatal to the measure, since, if Coventry were represented by counsel, counsel could not be refused for any borough mentioned in the bill. Brougham suggested that, instead of counsel being heard for each borough, the petitioners should "consolidate their opposition under one banner" and select two counsel to conduct their case. The suggestion was adopted.[1] Counsel were called in and heard on three consecutive evenings;[2] and Melbourne gave notice that he should ask the House to resolve itself into a committee on the bill on the following Monday.

The Lords hear counsel and receive evidence,

This course, however, was not acceptable to Tory peers. Strangford had persuaded the House to hear counsel. Carnarvon, on the 3rd of August, insisted that it should receive evidence, and his motion was carried against the ministry by 124 votes to 54.[3] Carnarvon had, at any rate, gained the municipalities a week's delay. Most of the evidence given at the Bar consisted of an imperfect repetition of the statements made more fully in the commissioners' reports; and the facts which the commissioners had alleged, and which were contradicted at the Bar, were few and unimportant. Liberal peers could not help perceiving that the whole proceedings were unjust to the commissioners;[4] Tory peers could not help concluding that the evidence was not advancing their own side of the case. Both parties consequently determined to go on with the bill and to stop the evidence. Extreme Tories, indeed, still imagined that the proper method of going on with the bill was to throw it out altogether. Newcastle had objected to every reform for which posterity has to thank the ministers of the fourth George and the fourth William. He had objected to the repeal of the Test Act; he had objected to the relief of the Roman Catholics; he had objected to the Reform Act, for which his own conduct at Newark would have afforded an adequate apology. He objected to

[1] *Hansard*, vol. xxix. pp. 1132, 1137, 1150.
[2] Ibid., pp. 1241, 1276, 1337.
[3] Ibid., p. 1425.
[4] Ibid., vol. xxx. p. 333.

the measure of corporation reform, "the latest product of the arbitrary will of a tyrannical House of Commons."[1] Fortunately, the Lords had too much prudence to adopt the arbitrary advice of a tyrannical nobleman. They resolved themselves into a committee. The part of the Newcastles was done. The subtler opposition of the Lyndhursts was beginning.

Lyndhurst coolly promised the rank and file of his party to make the bill what Tory peers called a Conservative arrangement.[2] Any one who will take the trouble to compare the measure as it left the Commons with the measure which was passed by the Lords will be disposed to concede this merit to the Tory ex-Chancellor, that he kept his promise. Even old Eldon, pining in his library at the heavy weight of age which prevented him from going down to the House and supporting Newcastle, admitted that Lyndhurst's amendments did him "great credit."[3] The rapidity with which they were made was equally creditable to his constructive statesmanship. The Lords' Committee only commenced its labours on Thursday, the 13th of August. The bill was read a third time and passed on Friday, the 28th of August.[4] On the 13th the Lords decided by 130 votes to 37 to preserve for ever all the rights of freemen.[5] On the 14th they determined, by 120 votes to 39, that the council should be elected from the rate-payers who paid on the highest rate of assessment.[6] On the 17th, by 126 votes to 39, they introduced aldermen elected for life into every council.[7] The Opposition had by this time shown so much power that the Government ceased to divide. In the next few nights the powers of existing justices were preserved for life; the task of dividing boroughs into wards was taken from the king in council and entrusted to revising barristers; the licensing powers were taken from the town councils and transferred to the county

and recast the bill.

[1] *Hansard*, vol. xxx. pp. 340, 342.

[2] Buckingham's *Courts and Cabinets of William IV. and Victoria*, vol. ii. p. 198.

[3] *Eldon*, vol. iii. p. 247.

[4] *Hansard*, vol. xxx. p. 1070.

[5] Ibid., pp. 456, 463.

[6] Ibid., p. 498.

[7] Ibid., p. 601.

magistrates; the office of town clerk was made tenable during good behaviour; and the management of the Church property of corporations was entrusted to those members of the council who happened to belong to the Church of England.[1] Lyndhurst could fairly claim that he had redeemed his promise. The Corporation Bill had been converted, as Ellenborough declared, into "a full, consistent, and Constitutional Conservative reform."[2]

Irritation in the Commons at these amendments.

Tory lords were enthusiastic at their success; yet, even in their enthusiasm, they could not conceal from themselves the dangers of their position. They had to reckon with a reformed House of Commons; they had to reckon with Peel. The Commons were already threatening to stop the supplies if the Corporation Bill were not passed. Some members in the Commons' House were using stronger language and boldly threatening the House of Lords with extinction.[3] Lyndhurst's victory had thus brought the two Houses of Parliament into collision. Mrs. Partington, to use Sydney Smith's simile, was again attempting to mop up the Atlantic; and Mrs. Partington, in her new effort, had not even secured the assistance of Peel. It was no secret that Peel disliked the course which Lyndhurst had taken; that he had used his influence with Wellington and Ellenborough to moderate the conduct of the ex-Chancellor; and that Lyndhurst's amendments would have been still more sweeping if it had not been for Peel's remonstrances.[4] What, then, would Peel do in the coming contest between the two Houses of the Legislature? Hot-headed Tories, deceived by their temporary success, affected indifference on the subject. "Peel! What is Peel to me? D—n Peel!" was Lyndhurst's reckless expression.[5] The Londonderrys and Newcastles speculated on the formation of a Tory Ministry, with Lyndhurst as Prime

[1] *Hansard*, vol. xxx. pp. 630, 632, 645, 965, 977. A division took place on the clause relating to town clerks, and the ministry was beaten by 104 votes to 36. Ibid., p. 971.

[2] Ibid., p. 1034.

[3] See especially the speeches of O'Connell, Hume, and Attwood. Ibid., pp. 823, 827, 830.

[4] *Courts and Cabinets*, vol. ii. p. 199.

[5] *Chancellors*, vol. viii. p. 109.

Minister, and Follett and Praed as leaders in the Commons.[1] All the lessons of an instructive past were thrown away on these short-sighted senators. Peel, by his admirable policy, had almost persuaded the nation that a Conservative minister, at the head of a Conservative party, might become the instrument for accomplishing efficient reforms. Lyndhurst had destroyed the illusion, and, stripping the sheep's clothing from the wolves' backs, had proved that the Conservatives were only Tories after all.

For the moment, however, the triumph of the Tories was complete. The reconstructed bill was sent down to the Commons; and the Tory peers had the satisfaction of congratulating themselves on their unusual victory. The triumph was short. On the last day of August, Russell, fresh from a large Liberal meeting in Downing Street,[2] explained the course which ministers proposed to take. They declined to admit aldermen, elected for life upon any town council, but they consented to the selection of a limited number of aldermen to be appointed for six years; they accepted the Lords' amendment for the settlement of the boundaries of wards by revising barristers. They refused the qualification which the Lords had fixed for town councillors; but they offered to substitute for it some other qualification. They accepted the amendment which preserved the parliamentary franchise for freemen; they rejected the amendment which exempted freemen from tolls. They refused the introduction of a new religious test. They refused the amendments which made town clerks irremovable, and by which borough magistrates, already justices, were continued as justices.[3] As soon as Russell had sat down Peel rose. The interest which had attached to Russell's explanation was forgotten amidst the expectation which Peel's rising excited. He attended, he said, to defend the independence of the House of Lords against the attacks which were apparently being prepared against it. He defended it, it was

The Peers' amendments rejected by Russell

and by Peel.

[1] *Courts and Cabinets*, vol. ii. p. 199.
[2] *Greville*, vol. iii. p. 303.
[3] *Hansard*, vol. xxx. pp. 1132–1145.

at once evident, by rejecting its amendments. He agreed with Russell in objecting to aldermen for life; he agreed with Russell in abolishing the exclusive trading privileges of freemen. He offered to compromise the question of the qualification of town councillors in the manner which Russell had suggested; and he only supported his late Tory colleagues against the ministry on the comparatively unimportant points of the irremovability of town clerks and the management of ecclesiastical property.[1] The Whigs listened with pleasure to the liberality of his sentiments, and rewarded him with their cheers. The Tories heard in silent dismay the decision of their leader. This Peel, whom Lyndhurst had refused to consider, had destroyed the full comprehensive Conservative reform which the Tory peers had secured; and the Tories had the mortification of seeing that they were powerless without his assistance. A few peers, indeed, the Cumberlands and the Londonderrys of the party, still talked of being firm. The aspect of their own House made their talk seem ridiculous. On the 31st of August, before Peel made his speech, one hundred and forty Tory peers attended, though there was nothing important for them to do. On the 1st of September, when Peel's speech was known, the Tory attendance in the House of Lords was confined to sixty peers.[2] On the 3rd of September Wellington collected his own friends in Apsley House and advised them to give way.[3] On the following night Lyndhurst repeated similar advice in the House of Lords.[4] The more important decisions of the Commons were accepted. The Lords' reasons for disagreeing from the others were explained at a conference between the two Houses. Ministers, satisfied with their success, asked the House of Commons in their turn to yield,[5] and the Corporation Bill became law.

The bill becomes law.

A reform second only to the Reform Act in its consequences had been carried; and the government o the largest

[1] *Hansard*, vol. xxx. pp. 1145–1156.
[2] *Courts and Cabinets*, vol. ii. p. 206.
[3] *Greville*, vol. iii. p. 307. Cf. *Melbourne*, vol. ii. p. 154.
[4] *Hansard*, vol. xxx. p. 1241. [5] Ibid., p. 1402.

boroughs in the country had been transferred from corrupt oligarchies to their inhabitants. But the passage of the Act did not reconcile advanced Liberals to the conduct of the Tory peers. A handful of noblemen, acting under the advice of a clever and reckless leader, had taken upon themselves to remodel a popular measure; and, but for the moderation of Peel, would have succeeded in doing so. In the same week in which the Corporation Bill had been nearly lost the Irish Church Bill had been cut in half by the Lords; and another measure, introduced towards the close of the session, to constitute an efficient police force in the city of Dublin, had been thrown out in the Upper House. This bill proposed to substitute for the old police, which was an inefficient body, under the control of a corrupt corporation,[1] a new force constituted on the principle which Peel had applied to the London police. O'Connell took some interest in its progress, and, it was reported, expected to derive some advantage from the patronage which it conferred on the Irish Government.[2] Such a report was quite enough for Tory peers who commanded a majority in the Upper House of Parliament. They did not attempt to deny that the measure was a good one; it was enough for them that O'Connell took an interest in its success.

The rejection of the Dublin Police Bill.

Without discussing its merits, without considering its necessity, without reflecting on the consequences of their proceeding, they rejected the bill. The respectable citizens of Dublin were left to the mercy of the criminal classes.[3]

Under other circumstances this decision would have attracted little notice. In September 1835 the reconstruction of the Corporation Bill shed a new light on the bisecting of the Tithe Bill; the bisecting of the Tithe Bill emphasised the rejection of the Dublin Police Bill. It was evident that the opinions of the Peers were sharply opposed to the opinions of the Commons; and that the legislative machine was almost brought to a standstill by the contrary views of the two

[1] *Hansard*, vol. xxx. p. 1330. [2] Ibid., p. 1189.
[3] Ibid., p. 1334; and cf. *Greville*, vol. iii. pp. 310, 333.

Houses. The newspapers, day after day, published complaints of the conduct of the Lords. Even some of the responsible ministers of the Crown declared that the time had come for reforming the Upper House of Parliament.[1] If Lyndhurst had proved superior to Peel this reform might, perhaps, have been attempted; but Peel's temperate conduct had removed the grievance of which every Englishman complained. Every townsman might feel indignant at an oligarchy which insisted on imposing upon him the corrupt rule of a self-elected corporation. But no townsman could continue to be indignant when the oligarchy was compelled to give way. Every man interested in good government might be ready enough to attack the senators who were opposing themselves to the wishes of the nation. No man would take the trouble to attack the senators who had abandoned their trenches and run away from the contest. The Peers had saved themselves from reform, but they had purchased their safety by concession.

In Great Britain, then, the Peers were forgiven because they had confessed themselves powerless. From an Irish point of view, however, the Peers were still powerful. They had bisected the Tithe Bill; they had thrown out the Dublin Police Bill; and the peace and happiness of Ireland were nothing to these noblemen. An English Radical, in consequence, proposed that the Lords' veto should be taken away, and that a suspensive power, to be exercised only once on each measure in the same session, should be entrusted to them instead of it.[2] O'Connell made a progress through the North of England and Scotland, attacking in town after town the conduct of the Peers. The population poured out from the great hives of industry in the North to welcome and applaud the eloquent agitator. "Ancient Athens," he said at Edinburgh, "was degraded for submitting to thirty tyrants; modern Athens will never allow 170 tyrants to rule over her. I have started on this mission

Agitation against the Lords.

[1] *Melbourne*, vol. ii. p. 155. *Greville*, vol. iii. p. 312.

[2] *Hansard*, vol. xxx. p. 1268. The notice was given by Roebuck.

to rouse the public mind to the necessity of reforming the House of Lords, and I have had 50,000 cheering me in Manchester, and 100,000 cheering me in Newcastle; and I heard one simultaneous cry, 'Down with the mad dogs, and up with common sense!'" "A hundred and seventy men our masters!" he exclaimed in Glasgow. "It is impossible that it can last—that such a set of stupid, ignorant, half-mad fops and coxcombs should continue so to lord it."[1]

O'Connell and the Carlow election.

O'Connell's agitation did not do much harm to the Lords. On the contrary, respectable people were shocked at the violence of his language. The great agitator had, in fact, overshot his mark, and created a reaction by the violence of his own blow. It happened, too, that while the passions which were thus provoked were still warm a correspondence was published which threw a new light on O'Connell's conduct. At the general election of 1834 two Conservatives—Bruen and Kavanagh—were returned for county Carlow. A petition was presented against their return; it was referred, in the ordinary way, to a "Grenville Committee;" and, on the 27th of May 1835, the election was declared void. The day after a Mr. Raphael—a gentleman residing in London—was invited by O'Connell to become a candidate for the county. He was assured that he would only risk £1000 by doing so. After some hesitation he accepted the offer, and handed the £1000 to O'Connell. The election took place; the Tory candidates were defeated; and Raphael and a gentleman named Vigors returned by a small majority. The Tories, however, were not satisfied with their defeat. They presented a petition against the return, insisted on a scrutiny, and claimed the seat. O'Connell required Raphael to pay a second £1000 to cover the expense of defending the return. The committee disallowed more than one hundred of the votes which had been given to Vigors and Raphael, and thus converted their majority into a minority. Raphael had spent £2000 in trying to get into Parliament, and had the mortification of finding that he had not secured his object.

[1] *Ann. Reg.*, 1835, Hist., pp. 369, 371.

Annoyed at the loss of his money and the failure of his expectations, Raphael embodied the whole of these particulars in a letter to the *Times*. He admitted that £1800 of the £2000 had been properly spent, but he declared that there was no trace of the manner in which the other £200 had been expended. His letter produced a prodigious effect. The people who had been talking day after day of O'Connell's attack upon the Lords began discussing Raphael's attack upon O'Connell. Tory peers were glad enough of an episode which diverted the attention of the public from their own conduct and cast discredit on the character of their assailant. The scandal, however, was hardly necessary to produce a reaction in favour of the Peerage. As a rule, people had no objection to the denunciation of public characters; but they thought that the man who preferred the charges should be ready to "meet" the adversaries whom he wronged, and that a politician who persistently refused to fight should be scrupulously moderate in the language which he employed. Burdett, representing the general feeling, insisted on O'Connell's removal from Brookes's Club.[1] He withdrew his own name from the club when his application was ignored. Stanley and Graham followed the example which was thus set them. Other Whigs imitated this conduct. The proprietor of Brookes's was startled at receiving no less than sixty resignations, all dated from one great Whig house; and fifteen years elapsed before the club again contained its full complement of members.[2]

Feeling against O'Connell.

[1] Raphael's letter is in the *Times* of the 31st of Oct. 1835, Burdett's in the *Times* of the 21st of Nov. 1835. Cf. also *Ann. Reg.*, 1835, Chron., p. 146; *Greville*, vol. iii. p. 319. O'Connell's conduct was brought before Parliament in 1836, and the whole matter referred to a committee. *Hansard*, vol. xxxi. pp. 272–301, and 445–491. The committee completely exonerated him (ibid., vol. xxxii. p. 209), and the House itself subsequently passed some resolutions, proposed by Russell, adopting the committee's view. Ibid, vol. xxxiii. pp. 75, 192.

[2] The feeling against O'Connell may be inferred from the fact that the *Times* of the 26th of November 1835 inserted the following lines:—

"Scum condensed of Irish bog!
Ruffian—coward—demagogue!

There was, however, one prominent man whose position was still doubtful. Throughout the whole of 1835 Brougham had imitated the conduct which he had pursued towards Canning eight years before, and had patronised rather than supported the Whig Ministry. He never doubted that his exclusion from the Chancellorship was a temporary concession to the spite of the sovereign, and that the ministers would gladly avail themselves of an early opportunity to regain his services. The fact that the Great Seal had been entrusted to commissioners, instead of being handed to any rival claimant, confirmed his conviction. It was obvious that Pepys, Shadwell, and Bosanquet could not be perpetually taken from their ordinary duties for the purpose of filling the vacant seat in the Court of Chancery. On the other hand, experience had proved that the ministry could get on very well without a Chancellor in the Cabinet; and the Government contemplated filling up the vacancy by the appointment of a permanent judge.[1] Brougham naturally imagined that his own claims for such an office would exceed those of his contemporaries, and left London confident in his own fortunes and in his immediate return to power.

The attitude of Brougham.

During the recess everything pointed to the fulfilment of his expectations. The newspapers complained of the inconvenience which had arisen from the Great Seal being put into commission. Sugden, who had been law officer under Wellington, and who had been Irish Chancellor during Peel's short Administration, published a pamphlet, "What has become of the Great Seal?" The Cabinet met, and decided to

> Boundless liar—base detractor!
> Nurse of murders, treason's factor!
> . . . . . .
> Spout thy filth—effuse thy slime;
> Slander is in thee no crime.
> Safe from challenge—safe from law,
> What can curb thy callous jaw?
> Who would sue a convict liar?
> On a poltroon who would fire?" &c. &c.

It seems almost incredible that these lines should have appeared in the best-conducted newspaper of the day less than forty-five years ago; but they are a good example of the rage which was kindled by O'Connell's agitation.

[1] See Lord J. Russell's speech, Aug. 17, 1835. *Hansard*, vol. xxx. p. 610.

fill up the Chancellorship. Even in their necessity, however, ministers could not bring themselves to appoint Brougham. His conduct to Grey, his progress through Scotland, his quarrel with Durham, his patronage of Melbourne—all these things made him intolerable: Melbourne declared that it was impossible to act with him.[1] It became consequently necessary to seek elsewhere for a Chancellor. Pepys had only recently attained prominence. He had received the Solicitor-Generalship early in 1834. He had been made Master of the Rolls after Leach's unexpected death in the autumn of that year. He had been made one of the commissioners for executing the office of Chancellor in May 1835. He was raised to the Chancellorship, as Lord Cottenham, in January 1836. Such rapid promotion had rarely been witnessed at the English Bar; and Pepys' good fortune seemed the more surprising, because he was no orator,[2] and he was, therefore, no match for the great debaters whom, it was certain, he would have to face in the House of Lords. His deficiencies in this respect were so clear that ministers decided on reinforcing him in debate by raising another lawyer to the Peerage. Bickersteth had refused the Solicitor-Generalship on Pepys' promotion in 1834; he had never held any office; he had never sat in Parliament; but he was widely known as a sound lawyer, and he had obtained repute as a ready speaker by one celebrated retort.[3] The ministers decided on appointing him to the vacancy in the Rolls which Pepys' promotion had made,[4] and on simultaneously raising him to the Peerage as Lord Langdale. It

Pepys is made Chancellor.

[1] *Chancellors*, vol. viii. p. 110. *Recollections and Suggestions*, p. 140.

[2] Campbell says that his single great speech in Parliament, on the law of libel, was made for him by Brougham. See *Chancellors*, vol. viii. p. 428. The speech in question is in *Hansard*, vol. xxii. p. 410.

[3] Bickersteth was arguing before the Privy Council the claims of the London University for a charter, when Brougham interrupted him by saying, "Pray, Mr. Bickersteth, what is to prevent the London University from granting degrees now?" To which Bickersteth replied, "The universal scorn and contempt of mankind." *Greville*, vol. iii. p. 82. This is evidently the retort referred to by Campbell in *Chancellors*, vol. viii. p. 475.

[4] Hardy's *Lord Langdale*, vol. i. p. 447.

was hoped that Langdale and Cottenham would prove capable of withstanding the united onslaughts of Lyndhurst and Brougham.

These arrangements naturally excited considerable jealousy. There were two men to whom they were especially distasteful. At the time of the promotion of Denman to the King's Bench, in the autumn of 1832, Campbell had been appointed to the Solicitor-Generalship. At the commencement of 1834 he had been made Attorney-General; and he had been restored to that office on the return of the Whigs to power in 1835. He had won distinction, both in Parliament and as a law reformer, before the names of either Pepys or Bickersteth were known beyond the narrow confines of Lincoln's Inn. He had been a consistent Whig, and he was a ready debater. He warmly resented his supercession by men junior to himself, and complained of the treatment which he had personally received. But his annoyance was nothing to Brougham's rage and disappointment. No pains were taken to break the news of the new appointments to the turbulent ex-Chancellor. He first learned from a newspaper paragraph that Pepys was Chancellor, and Cottenham. The nature of the tidings, the manner in which he heard them, increased the severity of the blow. This Pepys who had supplanted him was—so he argued—a creature of his own: he had made his speeches for him, he had obtained for him his advancement. He could not bring himself to face the familiar chamber while the Woolsack was thus occupied, and, ill, both in body and mind, he remained at Brougham.[1] Throughout the whole of 1836 he continued in retirement, while friends and foes alike congratulated themselves on his absence. His mother's predictions and the jokes of his friends had, at last, come true. The man who, as member for Yorkshire, had held the destinies of a party in his hands, had been reduced to insignificance by a peerage. It was at last literally true that he was *Vaux et præterea nihil*.[2]

Discontent of Campbell and Brougham.

For the first time, then, for many years Brougham's familiar

[1] *Chancellors*, vol. viii. p. 477. [2] See *ante*., vol. iii. p. 194.

figure was absent from Westminster. For the first time since the Reform Act, it may be added, public men were concentrating themselves in two great parties. Stanley had taken his seat on the Opposition benches in 1835; he placed himself next Peel in 1836.[1] The Liberals, on the other hand, drew closer together. The ministry could not exist without Radical support. The Radicals would only support a ministry which did justice to Ireland; and the necessities of the Government, therefore, compelled them to deal with Irish questions. There was one Irish question, to which attention had been only recently directed, on which immediate legislative action was necessary. Agitation was the eternal occupation of Irishmen. It had taught them to combine; and the Irish, instead of associating like other nations for industrial purposes, united for the purpose of securing some political object. The Catholic Association was, indeed, nominally put down; but Catholic Ireland was still organised, and still contributing a considerable income to the central committee, which was directed by O'Connell, in Dublin.

Irish associations.

O'Connell had no objection to associations of his own supporters. But he had no tolerance for the organisation of his opponents. Irish Protestants had arrayed themselves, from one end of Ireland to the other, in Orange Lodges. Originally formed, in the closing years of the last century, to protect the Protestants of Ulster against the encroachments of the Roman Catholics, the Orange Lodges had gradually increased in number and importance. The leading politicians of the time looked favourably upon organisations which were instrumental in supporting their own policy; and the laws against associations which were in force in Ireland were not applied to Orangemen. Protestantism, however, throughout the first twenty years of the nineteenth century was continually in the ascendant; and the Orange Lodges languished under the enervating influence of success. It required the opposing force of Roman Catholic organisation to infuse vigour into their proceedings. Every fresh victory won by Grattan in

Orange Lodges.

[1] *Hansard*, vol. xxxi. p. 92.

Parliament, every fresh advance made by O'Connell in Ireland, added to the strength of the Orange faction.

All Ireland was thus divided into two parties; and Protestants and Roman Catholics watched each other, prepared on the slightest encouragement to commence a struggle, which might have deluged the country with the blood of her children. In numbers the Roman Catholics had the advantage. They were recruited from a population which included three-fourths of the nation. But, in influence and organisation, the Orangemen were at least their equals. The Duke of Cumberland was Grand Master of the order; Lord Kenyon, Deputy Grand Master in Great Britain; Lord Enniskillen, Deputy Grand Master in Ireland; and two members of Parliament, Henry Maxwell, who sat for Cavan, and Alexander Perceval, who sat for Sligo, were Grand Secretary and Grand Treasurer Perceval had held office under Peel; but he was not the only official who had taken the Orange oath. Goulburn was an Orangeman when he was Chief Secretary for Ireland. No one could expect that the law against secret societies would be enforced when princes of the blood and Cabinet ministers set an example in disobeying it. The Orange Lodges spread rapidly. There were 1500 to 1600 lodges in Ireland alone. These lodges probably included from 150,000 to 160,000 Orangemen. But Orange Lodges were not confined to Ireland. They were established in various parts of Great Britain; they had branches in Canada; and thirty to forty regiments of the line had lodges instituted on the authority of warrants from the Grand Lodge.[1] The organisation was alarming enough from the number of its adherents; it was still more alarming from the nature of its rules. The admission of an Orangeman was accompanied by a religious ceremony obviously designed to impress an ignorant and untutored intellect. No Orangeman was admitted to a lodge under eighteen years of age, and every Orangeman was liable to active service at the call of the Grand Master.[2]

The Orange Lodges were enthusiastic at the change of

[1] *Hansard*, vol. xxx. pp. 59, 61, 66, 272, 293. [2] Ibid., pp. 62, 63.

Government in the closing weeks of 1834. The change had been warmly promoted by their Grand Master; it had brought their Grand Secretary into political office. Numbers of Orangemen framed congratulatory addresses to the king, and received satisfactory answers to their loyal demonstrations. These addresses produced very different consequences from those which their originators had anticipated. Radicals and Whigs, angry at their own exclusion from office, complained that the Tory ministers were recognising illegal societies and encouraging the organisation of secret lodges.[1] At last, on the 23rd of March, Finn, the member for Kilkenny, brought the subject before the House, and asked for a select committee to inquire into it. The Orangemen gave him only too good a justification for this course. Orange juries were preventing justice by declining to convict Orange prisoners; and one set of jurymen exposed themselves to the memorable reproof of Chief Justice Bushe: "That is your verdict, gentlemen of the jury: thank God, it is not mine." Orange noblemen were using inexcusable language at public meetings. "It is to ourselves," said one of these wise senators to an ignorant crowd of Orangemen, "that we are indebted to meet this day in the broad face of heaven; and, if Protestants be not united together, we have nothing to hope for short of hearing the tinkling of bells calling our enemies to another Sicilian Vespers commemorative of the occasion when Papists rose and massacred every Protestant they could lay their hands upon."[2]

They are attacked in Parliament.

Roman Catholics were naturally angry at a system which had suppressed the Catholic Association, and which left the Orange Lodges undisturbed. The Orangemen themselves saw that they had no chance of resisting the inquiry which Finn was demanding. They determined, therefore, to take the bold course of supporting his motion themselves. A committee was appointed; and the struggle, which had been thus avoided in the House, was transferred to the Committee Room.

[1] Goulburn acknowledged the addresses, saying that the king had received them in the most gracious manner. Some addresses from Whigs were at the same time acknowledged, without the addition of a gracious reception. *Hansard*, vol. xxvii. pp. 147, 148.

[2] Ibid., pp. 137, 139.

There the Orangemen had a numerical advantage. The Roman Catholics desired to place Ward, the originator of the appropriation clause, in the chair. The Orangemen selected Mr. Wilson Patten, the member for Lancashire.[1] Under Mr. Wilson Patten's guidance the committee was occupied for the greater part of the session in taking evidence. Its members reported the evidence which they thus received on three separate occasions to the House.[2] Before their third report was presented Hume introduced a string of eleven resolutions complaining of the formation of Orange Lodges in the army. The debate was very damaging to the character of the Duke of Cumberland. The Duke's brother, the Duke of York, had withdrawn from the Grand Mastership of the Orange Lodges on being told of their illegality; and yet the Duke of Cumberland had accepted the office.[3] The Duke of York, again, as Commander-in-Chief, had forbidden the formation of Orange Lodges in the army;[4] the Duke of Cumberland had signed warrants for their formation. The friends of the Duke declared that he was ignorant of the use to which these warrants had been applied. The Duke, they said, was in the habit of signing blank warrants. These excuses did not satisfy the Duke's numerous critics. They concluded that his Royal Highness was perfectly well acquainted with the purposes to which the warrants were applied.[5]

The Orange Committee of 1835.

Radical politicians were not ill-pleased at the opportunity which was thus afforded them of attacking the least popular member of the royal family. Responsible statesmen, however, who were either in enjoyment of office or candidates for it felt the inconvenience of censuring the king's brother. At the suggestion of Russell the debate was adjourned in order that the Duke might have the opportunity of explaining

[1] *Hansard*, vol. xxxi. p. 336.

[2] The report will be found in vols. xv. and xvi. Parliamentary Papers, Session 1835.

[3] Report on Orange Lodges of Great Britain and Colonies, Parliamentary Papers, Session 1835, vol. xvii. p. vi.

[4] *Hansard*, vol. xxx. p. 79.

[5] Ibid., p. 84.

his conduct.[1] At the adjourned debate an address was carried reprobating the formation of Orange Lodges in the army. The king undertook, in reply, to discourage and prevent them;[2] and a circular was issued by the Commander-in-Chief ordering the trial by court-martial of any officer or soldier who belonged to an Orange Lodge.[3]

This success did not satisfy the Radicals and the Irish. Mr. Wilson Patten's Committee had merely investigated the subject so far as it affected Ireland; and the ministry, on Hume's motion, assented to the appointment of a new committee to inquire into the Orange Lodges in Great Britain and the colonies. The motion was agreed to; and the committee at once commenced its labours, and succeeded in collecting a good deal of information. The Orangemen, however, no longer courted an inquiry into their institutions. They resisted, in repeated divisions, the appointment of the committee. Their Grand Master, the Duke of Cumberland, refused to give evidence; and their Deputy Grand Secretary, Lieut.-Colonel Fairman, refused to produce the records of the society.[4]

The inquiry extended to the colonies.

The Orangemen had no grounds for congratulating themselves on these events. They had been forbidden to extend their organisation into the ranks of the army. Common prudence suggested that they should desist from measures calculated to provoke their antagonists, and that they should use their influence to procure the compliance of their friends with the orders of the Commander-in-Chief. The Orangemen, however, were in no mood for moderate measures. Instead of deferring to the judgment of the committee they employed themselves in impugning its impartiality. Instead of submitting to the orders of the Horse Guards the Duke of Cumberland

[1] *Hansard*, vol. xxx. pp. 100, 109. [2] Ibid., p. 559.

[3] Parliamentary Papers, Session 1835, vol. xvii. p. xxvi.

[4] Lieut.-Colonel Fairman was ordered to produce these records by the House. *Hansard*, vol. xxx. p. 695. He again declined, and the Serjeant-at-Arms was ordered to seize the book, and to apprehend Lieut.-Colonel Fairman. Ibid., p. 778. Colonel Fairman succeeded in evading the Serjeant-at-Arms, and was never apprehended. Ibid., p. 803.

set an example of disobedience by continuing Grand Master. This conduct only courted a fresh assault. On the 12th of February, 1836, when the session was hardly a week old, Finn renewed his attack.[1] On the same night Hume, on the pretext of obtaining a return of all the officers who had been dismissed from the army since 1815, criticised severely the conduct of the Duke of Cumberland. Hume obtained the return which he required; but Finn's debate was adjourned to the 23rd of February. It was renewed on that day by Hume, who desired to address the Crown for the removal of every judge, privy councillor, lord lieutenant, magistrate, militia officer, inspector, or constable who attended the meeting of any Orange Lodge, any Ribbon Lodge, or of any other political club.[2] The proposal was extravagant. Its adoption was averted by the moderation of Russell. He showed the grave objections to agreeing to an address which suggested the removal of judges from their high offices; he dwelt on the serious inconveniences which resulted from the formation of secret societies; he proved that the Government had uniformly resisted the organisation of the lodges; and he asked the House to leave his Majesty to take such measures as he might deem "advisable for the effectual discouragement of Orange Lodges and generally of all political societies."[3] His temperate speech conciliated all parties. The Orangemen themselves expressed their readiness to comply with the wishes of the Crown.[4] The address was carried without a dissentient voice.[5] The king, in reply, expressed his firm intention to discourage all such societies in his dominions.[6] The Duke of Cumberland could no longer venture to disregard the wishes of his brother and the decision of the Legislature.[7] The Orange Lodges were everywhere broken up; and the formidable organisation, which threatened the peace of every portion of the empire, was terminated.

Renewed attack on the Orange Lodges in 1836.

The lodges dissolved.

[1] *Hansard*, vol. xxxi. p. 332.
[2] Ibid., p. 810.
[3] Ibid., p. 832.
[4] Ibid., pp. 838, 849.
[5] The Orangemen wished to exclude from it all mention of Orange Lodges by name, but they did not press their views to a division. Ibid., p. 861.
[6] Ibid., p. 870.
[7] Ibid., pp. 947, 1280.

One Irish question had received an unexpectedly satisfactory solution. But there were two other questions which were ripe for settlement. Both of the great parties in the State were committed to a measure of tithe reform. Both of them admitted the necessity of supplementing the English Corporation Act with some regulations for Irish municipalities. The same measures had been taken in Ireland which had been adopted in England to pave the way for a Corporation Bill. Itinerant commissioners had been appointed to inquire into the condition of the Irish municipalities. The same abuses which had been disclosed by the English commission had been revealed by the Irish commissioners. Irresponsible, self-elected municipalities governed every considerable Irish town. They appropriated the property of the borough to their own use or to the use of the borough patrons; they maintained the supremacy of the Protestants by declining to place any Roman Catholic on the corporation. As, however, the supremacy of their own political friends was the main object of these corrupt bodies, many of the municipalities, deprived at the Union of representation, gradually ceased to exist. A municipality which had no property to divide among its corporators, and no representative to confer money upon them or obtain office for them, was not worth preserving.

Irish corporations.

Dublin was the most important of these unreformed corporations. The Government of Dublin was modelled on the British Legislature. It consisted of two chambers. The Lord Mayor and Aldermen sat in one chamber. The Sheriffs and Commons in another. The Commons were composed of two classes—the Sheriff's Peers, or those persons who had either served the office of Sheriff or had paid a fine of £500 for not serving, and ninety-six members elected by the trade guilds. The Sheriff's Peers might be compared with county members, the other members of the Common Council with the representatives of rotten boroughs. The Common Councilmen were all chosen from a particular class; there was no Roman Catholic among them. The Common Council of Dublin, in

fact, took a pride in excluding every Roman Catholic from the Corporation.[1]

Similar abuses existed in almost every Irish municipality. Tuam was the only town in Ireland in which there was a majority of Roman Catholics on the Governing Council. Limerick had a population of 66,000 souls, and only 271 corporators; Maryborough had 5000 people and 9 corporators; Cashel, 7000 people and 38 corporators. The people of Cashel were suffering from a want of water. There was no difficulty in providing an adequate supply at a cost of £2000 or £3000; and the corporation owned property in the neighbourhood which was worth at least £2000 a year. The corporation, however, would not waste its property in providing the town with water. The property was let to the members of the Governing Council for as many hundreds as it was worth thousands.[2]

Reform in Ireland was thus at least as necessary as reform in England. O'Connell, when the English Corporation Bill was introduced, declared that the chief deficiency in it was the omission of one word—Ireland. The Government undertook to remove his objection by introducing an Irish measure.[3] The task was entrusted to Perrin, the Attorney-General for Ireland, who had presided over the Irish commission. The bill was introduced on the 31st of July. It was read a third time and passed on the 17th of August 1835. The ministry, however, satisfied with its progress, did not attempt the hopeless task of pushing it through the Lords; and the measure was quietly dropped.[4] Its consideration was commended to Parliament in a striking paragraph of the Royal Speech of 1836. "I entertain a hope," said the king, "that it will be in your power to apply to any defects and evils which may have been shown to exist" in the Irish municipal corporations "a remedy founded upon the same principles as those of the Acts which have already

The Irish Municipal Bill.

[1] See the Reports on Irish Corporations, Parliamentary Papers, Session 1835, vols. xxvii. and xxviii. See especially vol. xxvii. pp. 16, 19.

[2] *Hansard*, vol. xxix. pp. 1292–1296. [3] Ibid., vol. xxviii. pp. 573–575.

[4] Ibid., vol. xxix. p. 1326; and vol. xxx. p. 618.

been passed for England and Scotland." This paragraph excited the indignation of the Conservatives. It was the province of the Crown, they argued, to refer matters to the Legislature. It was beyond its province to dictate or suggest the principles on which the Legislature should deal with them. They could not submit to this grave innovation on the liberties of Parliament. Instead, therefore, of re-echoing the king's words in the address to the throne, they desired only to commit themselves "to such remedies as may obviate just causes of complaint and ensure the impartial administration of justice." The amendment, moved by Wellington himself, was carried in the Lords without a division.[1] But the success which the Conservatives thus achieved in the Lords was dearly purchased by their marked discomfiture in the Commons. Against his better judgment Peel was induced to propose the amendment which Wellington had carried, and was beaten by 284 votes to 243. The ministers had never previously obtained so decisive a majority on a great subject, and naturally felt themselves strengthened by the victory which had been thrust on them by their own opponents.[2]

The Irish Municipal Bill was introduced on the 16th of February; it was read a second time on the 29th. It converted the governing bodies of every municipality into elected councils. In the seven largest Irish boroughs the electors were to consist of £10 householders; in the other boroughs, of £5 householders. The qualification of a councilman in the seven largest boroughs was to be the possession of £1000, in the other boroughs of £500. The councillors who received the greatest number of votes were to be aldermen; one-half of the aldermen were to retire triennially; and one-third of the councillors were to go out of office once a year.[3] The Tories, attached as they were to old institutions, could not deny the necessity of sweeping away the corrupt bodies which were abusing their privileges in the Irish

Its details.

[1] *Hansard*, vol. xxxi. pp. 13, 21.
[2] Ibid., pp. 47, 104. *Greville*, vol. iii. pp. 334, 336.
[3] *Hansard*, vol. xxxi. p. 1042.

boroughs. They contented themselves by objecting to the institution of elected councils in their room. Ireland, they argued, was not ripe for local government. The Irish Constabulary was appointed by the Lord-Lieutenant. Justice in Ireland was administered by assistant barristers. By these and other methods the British Legislature had shown that Ireland could not be governed on the principles applied to England. The proper course with Irish municipalities was to subject them to sheriffs or magistrates appointed by the Crown, and to entrust their property, which might be reduced to insignificance by the abolition of tolls, to commissioners appointed by the central government.[1] The last relics of self-government were, therefore, to be taken away from the wretched country; and these views, suggested by Peel, were supported by the entire strength of the Conservative party. Fortunately for Ireland, the proposal only brought fresh discomfiture on the Conservatives. An instruction to the committee, moved by Lord Francis Egerton, to give effect to them was rejected by 307 votes to 243.[2] The Conservatives had only succeeded in mustering the same number of members which they had collected to support their amendment on the address. The Liberal majority had increased from 284 to 307 votes.

The victory which the Liberals had thus secured facilitated the future progress of the measure. The bill went through committee without any serious opposition. The Conservatives ventured on opposing the third reading, but they were again defeated by 260 votes to 199.[3] The experience of 1835, however, clearly proved that danger was not to be apprehended from the House of Commons. The hopes of the Conservatives, the fears of the Whigs, were concentrated on the Lords; and there were no grounds for believing that the Peers would be more reasonable in 1836

The bill radically altered in the Lords.

[1] *Hansard*, vol. xxxi. p. 1316.

[2] Ibid., vol. xxxii. p. 119. Lord Francis Egerton was the Lord Francis Leveson Gower of Canning's Ministry.

[3] For the committee see ibid., pp. 254, 497, 514. For the third reading, ibid., p. 653. For the division, ibid., p. 747.

than they had proved themselves in 1835. In the former year, indeed, Lyndhurst had been powerless for evil, because he had separated himself from Peel. In 1836 he had the advantage of adopting the policy which Peel had advocated in the Commons. Like Peel, he declared the existing corporations indefensible: he accepted the proposal for their destruction, but he declined to substitute for them the new corporations which the ministry had suggested. The new governing bodies would place a majority of Radicals on every municipality, and the "town councils would inevitably settle down into seats of agitation for their own and party purposes."[1] These views were formally embodied in an instruction to the committee "to make provision for the abolition of corporations, and for such arrangements as may be necessary, on their abolition, for securing the efficient and impartial administration of justice, and the peace and good government of cities and towns in Ireland."[2] In accordance with it the committee gradually altered the bill into a measure "for the abolition of municipal corporations" in Ireland. In this shape it was read a third time and passed on the 18th of May, and returned to the Commons.[3]

Irish members were naturally indignant at these proceedings. "The alterations made by the Lords," said Smith O'Brien, the representative of the Great Roman Catholic county of Limerick, "were a direct insult to his country." "We will have Lord Lyndhurst's bill kicked out," was O'Connell's language in a letter to the *Chronicle*. The ministers, however, less intemperate than their extreme supporters, were willing to meet the Lords half-way. They offered to consent to the abolition of corporations in the smaller towns, on condition that the twelve largest towns in Ireland were afforded the advantage of self-government. With the view of reconstructing the bill in this way, Russell, on the 9th of June, moved that the House should disagree with the Lords' amendments.[4] After two nights'

[1] *Hansard*, vol. xxxii. pp. 1119, 1129, 1136.

[2] Ibid., vol. xxxiii. pp. 233, 306.

[3] Ibid., pp. 1043, 1061.

[4] The motion technically was that the Commons should disagree with the amendments to the fourth clause, but the effect was that stated in the text. Ibid., vol. xxxiv. p. 237.

debate the motion was carried by 384 votes to 232,[1] and the bill was altered accordingly. But the Peers refused to give way. The ministry did not feel strong enough to insist on their submission; and the bill which had caused such differences, and which had occupied so much time, was accordingly postponed.[2]

The bill is lost.

Victory was with the Lords; but the ministry, notwithstanding its defeat, had acquired increased strength during the struggle. Moderate men of all parties had sympathised with its wish to preserve some traces of autonomy for Ireland; and the Whig majority in the Commons had consequently increased at almost every successive step. Public opinion, however, was less clearly pronounced on another great Irish question. It was inevitable that Melbourne's Ministry should bring forward a Tithe Bill. An unexpected circumstance made a Tithe Bill more necessary than ever. Up to 1835 the Irish clergy had been unable to enforce payment of their tithes. At the end of 1835 the ingenuity of a few lawyers provided them with a formidable machinery for enforcing it. A Lay Association was formed for the protection of the Established Church, and the association busied itself with bringing actions for the recovery of tithes. A clergyman had legally two methods for recovering them. He could bring a simple and inexpensive action before a magistrate, or he could institute costly and complicated proceedings in the Court of Exchequer. The association, bent on overcoming resistance to the payment of tithe, determined on resorting to the complicated process. Upwards of 600 bills were filed for sums varying from £10 to 1*s.* 9*d.*; and the Court ordered the payment of the amounts, with the heavy costs which attached to the proceedings. The Court was met with the customary difficulty that no one was able to enforce the orders which were thus made. The association, however, had an expedient in readiness for overcoming this difficulty. In Ireland the Court of Exchequer had the power, on a sworn affidavit that process could not be served, to issue a writ of

Irish tithes.

Exchequer processes.

[1] *Hansard*, vol. xxxiv. p. 405. [2] Ibid., pp. 964, 1053, 1107.

rebellion. The issue of this writ superseded the necessity of serving the order of the Court in the usual way. Notice of service could be posted in any convenient place; and the debtor could be seized and kept in prison till he obeyed the order. The Lay Association, reverting to this obsolete process, obtained a writ of rebellion against a defaulter. The writ was issued to an obscure Orangeman, who at once called in the aid of the police. The police, acting on an order made by the Irish Government when Joy, the Chief Baron of the Exchequer, was Attorney-General, refused to interfere; they were now directed by Joy, as Judge, to execute the writ. The miserable Irish were thus placed at the mercy of an irresponsible association.[1]

Writs of rebellion.

These proceedings ought to have made all parties anxious to settle the tithe question. Unfortunately, the disputes of the previous years made it almost impossible to effect a settlement of it. The Tories would pass no bill which appropriated any portion of the revenues of the Church. The Whigs would pass no bill without an appropriation clause. The Peers determined a second time to recast the bill. The Commons refused to accept the Lords' amendments;[2] and the tithe system of Ireland was, for a third year, left unreformed.

The Tithe Bill lost.

The continuous agitation on the subject of Irish tithes had produced one effect for which the Tories were hardly prepared. The attention of English agriculturists had been drawn to the exactions to which they themselves had submitted, and which were interfering with the development of agriculture. A landlord might naturally hesitate to spend large sums of money in making two blades of wheat grow where one only grew before when one-tenth of the increased produce was allotted to the rector's tithe-barn. The discouragement to agriculturists was not, however, the worst result of the tithe-system. The existence of tithes produced

Tithes in England.

[1] *Hansard*, vol. xxxi. p. 565. *Ann. Reg.*, 1836, Hist., p. 295; and ibid., Chron., pp. 8–11, where the proceedings in the Irish Court of Exchequer are reported.

[2] *Hansard*, vol. xxxv. pp. 515, 855.

jealousies and quarrels in every parish. They raised in many cases an impassable barrier between the pastor and his flock. They injured the usefulness of the clergymen who supported the system as much as they fettered the operations of the farmer who opposed it.

Tithes in England were originally granted for four purposes —the support of the bishop, of the clergy, of the poor, and of the Church fabric.[1] The bishops gradually acquired ample endowments, and were prohibited from demanding tithes; the maintenance of the poor and the repair of the Church were thrown on the rates; and the whole tithe, instead of one-fourth of it, was appropriated to the clergy, or rather to the parson. The parson, however, usually employed a vicar or curate to discharge the real duties of his parish, assigning to the vicar the tithes which were the least easily claimed or which were the least valuable. In consequence a distinction gradually accrued between the vicarial or small tithes and the rectorial or great tithes. The parson or rector was, in many cases, the abbot of a monastery. The monasteries constantly purchased the advowsons of livings; and when the monasteries were dissolved the Court assigned their property to the great noblemen who happened to be the favourites of the monarch. These men thus became in many instances possessed of the property which the piety of previous generations had assigned to the Church and the poor, and were known as lay impropriators.[2]

The tithe was originally the tenth part of the produce of the soil, and was collected by the tithe-owner in kind. The prædial crops—corn, hay, and wood—were roughly speaking the great tithes. Cattle, poultry, and other produce of the farm constituted the small or mixed tithes. New crops, such as potatoes and turnips, introduced, at late periods, into the country, were declared to be subject to tithe: though in the case of some of them—such as hemp and flax—special statutes

[1] This was also the ancient division of the ecclesiastical revenues of the Early Christian Church. See Gibbon's *Decline and Fall*, chap. xx.

[2] *Blackstone*, vol. i. pp. 376–395.

regulated their commutation for a fixed money payment. In some parishes the inconvenience to the tithe-owner and the tithe-payer of a tax, collected in kind, had led to a voluntary arrangement for substituting a money payment, or modus, as it was called, for the tithe; and, in some cases, the courts had recognised the modus as the legal equivalent for tithe. This circumstance, and the example of Ireland, where the tithes had already been commuted, created a desire for a general compulsory commutation of tithes.

In 1833 Althorp brought forward a measure for settling the question. The bill encouraged a permissive composition between the tithe-payer and the receiver; it enabled either of them, when they failed to agree, to enforce an arrangement. Valuators were to be appointed by the bishops and magistrates in Quarter Sessions to ascertain the amount of tithe actually paid; and the tithe was to be commuted for a perpetual corn rent calculated on the price of various kinds of grain. The measure was not passed; and, in 1834, its author again proposed a modified bill with the same object. The scheme of 1833, he thought, would have given an advantage to the tithe-receiver who had exacted the full amount of his tithe, and would have been unfair to the more generous owner who had been liberal to the tithe-payer. He, therefore, decided on abandoning his previous plan, and on making the tithe vary with the rent or real value of the land. The tithe-payer was to be at liberty to redeem his tithe at twenty-five years' purchase; and the limited owner was to be empowered to charge his estate for the purpose of effecting the redemption.[1] The amended bill of 1834 had no better success than the original proposal; and, on Peel's accession to office, the question was still unsettled. Peel thought that there was every disposition among tithe-owners and tithe-payers to arrive at a voluntary agreement. The tithes had already, in fact, been commuted for a fixed payment in a thousand parishes under the authority

Althorp's Tithe Bills.

Peel's Tithe Bill.

[1] For Lord Althorp's proposals see *Hansard*, vol. xvii. p. 273; vol. xix. p. 377; and vol. xxii. p. 818.

of private Acts. Peel desired a general law, under which the tithes could be voluntarily commuted in every parish for a perpetual corn rent, subject to periodical revision.[1]

Peel's Tithe Bill fell with the other measures of his Administration, and no further measure was introduced till 1836 to deal with the subject. In the interval a curious decision of the Court of Exchequer aggravated the existing difficulty. The tithe-owner was entitled to one-tenth of every growing crop, and to one-tenth of the produce of the farmer's flocks and herds; but he was not entitled to a tenth of the food on which the cattle and sheep were pastured. A farmer, for instance, was liable to tithe on turnips; but, if he turned his sheep into the turnip-field, he paid the tithe on the sheep: the turnips were exempt from tithe. In well-ordered farms, however, the farmer refrained from turning his flock into a field; he enclosed a portion of the field, picked or 'pecked' the turnips in the remainder of it, and threw them into the fold. An ingenious Sussex vicar considered that, as these turnips were thrown to the sheep, he could claim tithe on them. The claim was carried to the Court of Exchequer, and decided by Lyndhurst in the clergyman's favour. The Church had won a technical victory. But Parliament, alarmed at the novel claim, passed at once a short Act to deal with the matter,[2] and the ministry addressed itself seriously to the settlement of the tithe problem.

The tithe on pecked turnips.

At the commencement of 1836 Russell introduced the new Tithe Bill. This bill encouraged a voluntary arrangement between tithe-payers and tithe-owners; it enabled the majority of tithe-payers and tithe-owners to bind the remainder; and in certain cases it empowered commissioners, appointed under its provisions to carry out the commutations, to act alone. The value of the tithe was to be computed on the average value of three cereals—wheat, barley, and oats—during the seven preceding years; and the commutation awarded to the tithe-owner was to be not less

The Tithe Commutation Act of 1836.

[1] *Hansard*, vol. xxvii. p. 179.

[2] Ibid., vol. xxix. pp. 256, 1074; and vol. xxx. pp. 802, 979.

than 60 per cent. and not more than 75 per cent. of the nominal gross value of the tithe.[1] The measure which was thus introduced was ultimately passed almost in its original shape. In the course of a few years the commissioners succeeded in awarding a commutation in every parish; and the payment of tithe in kind ceased in England.

This result was ultimately beneficial both to the agriculturists and the Church. Owners and occupiers freed themselves from a charge which had risen with the increasing yield of the soil, which had been collected in a vexatious manner, and which had stereotyped ignorance by discouraging improvement. The Church exchanged a certain income for an uncertain impost, which had made the parson of the parish an object of dislike to his most influential parishioners. The Church, however, enjoyed other distinctive privileges, which, like the tithe-barns, solitary relics of past ages, were gradually crumbling away in the atmosphere of modern thought. Up to the year 1836 marriage was a religious ceremony, which, except in the case of the Quaker or the Jew, could legally be performed by a clergyman of the Church of England, alone. The clergyman of the Church of England, moreover, kept the parish register, and all baptisms, marriages, and burials were registered by him. The monopoly which the Church thus enjoyed was the more remarkable, because a more liberal system had prevailed until the middle of the previous century. Dissenters had then been at liberty to celebrate their marriages in their own chapels, without submitting to the ritual of the Church. Their privileges were abridged by the Marriage Act of 1753. But, before the close of the eighteenth century, Dissent, which in 1753 was an obscure and powerless element in the community, had become the chief factor in every religious question. A dull torpor oppressed the Church; a cloud of scepticism shrouded the upper classes; and Dissent, confirmed in its faith by Wesley and his fellow-workers, and strengthened by the assurance which it thus acquired, boldly

The Marriage Law.

[1] *Hansard*, vol. xxxi. pp. 185–197. This part of the bill was subsequently modified. Ibid., vol. xxxiv. p. 593.

pushed its missionaries throughout the length and breadth of England, and numbered its converts in every part of the island.

Dissent had become a great force; and the Dissenters, conscious of their power, naturally clamoured against the disabilities which the Legislature imposed on them. They compelled a reluctant Parliament to repeal the Test and Corporation Acts in 1828; they forced the Crown to confer a charter on the London University in 1836; and they besieged the Legislature with petitions for the removal of their other grievances. The law of marriage was the most offensive of these: it was especially offensive to one sect of the Dissenters. The Church required every man who was married to make a distinct declaration of his belief in the Trinity. "With this ring I thee wed, with my body I thee worship, with all my worldly goods I thee endow: in the name of the Father and of the Son and of the Holy Ghost." Such a declaration seemed to a Unitarian flat blasphemy. The mainspring of his simple faith was a belief in the unity of the Deity; and the introduction of the Trinity into a solemn service was as repugnant to him as an invocation to saints would have been to a member of the Church of England. For seventeen years the Unitarians had ineffectually endeavoured to get their grievance removed; and in 1819 and 1822 William Smith, the friend of Wilberforce, and the chief representative of the Dissenters in the House of Commons, asked for the simple omission of the offensive words from the marriage service.

Smith's proposal was rejected;[1] and in 1823 the conduct of the matter was transferred to other hands. Lansdowne desired the same object which Smith had in view, but he generously proposed a wider measure of relief than that which Smith had introduced. Instead of confining himself to the mere omission of some objectionable words, he proposed that the Dissenters should be allowed to celebrate their marriages in their own chapels, paying, how-

William Smith's Marriage Bills.

[1] *Hansard*, First Series, vol. xl. pp. 1200, 1503; Second Series, vol. vi. p. 1460.

ever, fees to the parish clergyman, and having their banns asked in the parish church. The proposal led to one of the most memorable of the many displays of intolerance which were witnessed in the first thirty years of the present century. Eldon, arguing against any relief to the Unitarians, declared that it was penal to deny the doctrine of the Trinity. His vigorous eloquence procured the rejection of the measure of relief which Lansdowne had introduced.[1] It sounded the first note of the knell which was to toll the downfall of Church supremacy.

In 1827 William Smith introduced another measure of relief. He abandoned the proposals which he had made in 1819 and 1822, and which Lansdowne had substituted for them in 1823, and simply desired to authorise the celebration of civil marriages. His bill passed the Commons; but it was rejected by the Lords. The satisfaction of the Peers was only short-lived. In 1827 they had refused to allow the Dissenters to celebrate their marriages in their own way; in 1828 they were obliged to repeal the Test and Corporation Acts. The Dissenters, satisfied with the greatness of their victory, forbore from pressing for a revision of the marriage law; and the task of revising it was consequently reserved for a Reformed Parliament. In 1834 Russell introduced a bill to enable Dissenters to marry in their own chapels (which were to be licensed for the purpose), after the publication of their banns in the parish church. The proposal did not satisfy the Nonconformists. Some of them objected to a law which compelled every marriage to be celebrated in a place of worship. The majority of them objected to the recognition of Church supremacy, implied by asking the banns in church. The bill was not proceeded with; and, in the following year, Peel endeavoured to deal with the question. His proposal was in advance of that of Russell. He had the courage to recommend that marriage should be a civil contract. So far his measure was

Russell's Marriage Bill of 1834.

Peel's Marriage Bill of 1835.

1 *Hansard*, Second Series, vol. ix. p. 967; vol. xi. pp. 75, 79, 434; and vol. xiii. p. 1032.

accepted with gratitude by the Dissenters. It failed to satisfy them completely, because it compelled the registry of the marriage with the clergyman. The church seemed the only place available for the registry, and Peel accordingly thought himself forced to have recourse to it.[1]

Peel's bill was naturally dropped after the fall of his Administration; and Russell again addressed himself to the settlement of the question. Peel and he had both evidently failed because they had provided no convenient place for the registry of marriages. The Dissenters' grievance, it was thus continually becoming plain, could not be properly redressed unless some convenient registration machinery were devised. Machinery for the purpose had already been suggested by two independent members in 1833 and in 1834.[2] Since 1834 the Poor Law had introduced a new staff of officers in every district of the kingdom; Russell suggested that one of these officers should be made registrar for each union; that he should report to a central registry in each county; and that the county registrars should in their turn forward the information which they acquired to a registrar-general in London. He proposed that the cost of the central office should be defrayed by the country; and that the local officers, who were to be remunerated by fees, should be paid by each union. The measure which was thus brought forward facilitated the work of amending the marriage law. Russell proposed that banns should be retained, but that persons desirous of being married without banns should give notice to the registrar; that their names should remain in a notice-book open for general inspection for twenty-one days; that, at the expiration of that time, they should be married in the church or in the chapel, or before the superintendent registrar.[3] The bill applied to the Roman Catholic as well as to the Dissenter. It effectually terminated one of the great grievances which had arisen from the monopoly of the Church.

The Marriage Act of 1836, and the Registration Act.

[1] *Hansard*, vol. xxi. pp. 776, 1400; and vol. xxvi. pp. 1073, 1118.

[2] Ibid., vol. xvi. p. 1209; and vol. xxiii. p. 940.

[3] For the Registration Bill see ibid., vol. xxxi. p. 367. For the Marriage Bill, ibid., p. 374.

A Tory member, indeed, the representative of country clergymen, objected to the Registration Bill because it disassociated the naming of a child from the ceremony of its baptism.[1] An intolerant prelate objected to the Marriage Bill because it enabled members of the Church to contract a marriage without a religious ceremony. Even the House of Lords turned a deaf ear to these arguments. It was daily becoming clearer that it was more necessary to remove the grievances of a numerous section of the community than to preserve the privileges of a class; and the Church was compelled, in consequence, to surrender one more symbol of its supremacy, and to give up the indefensible position which it had so long occupied.

The changes which were thus made were undoubtedly attributable to the freer atmosphere of the political world. Resisted by the Lords, tardily conceded by the Commons, they had from the first been encouraged by the more enlightened portion of the press, and even professed politicians had been unable to withstand the reiterated arguments of the daily newspapers. The press, however, which was thus instrumental in effecting mild and beneficial reforms, was itself the victim of oppressive legislation. The paper on which the newspaper was printed was taxed, the advertisements which were inserted in it were taxed, and the newspaper itself was subjected to a heavy duty. This duty had been imposed for two reasons. Its originators had desired to increase the revenue of the State, but they had been even more anxious to curb the activity of the press. The tax, originally imposed upon newspapers, was extended to all periodical political publications by one of the Six Acts. The reasons for this extension were notorious. Cobbett had evaded the tax by excluding news from his *Register;* and other writers, with less ability than Cobbett, were disseminating seditious nonsense among the lower orders of the population. Even the Six Acts, however, did not settle the

The newspaper tax.

[1] Goulburn, the member for Cambridge University. *Hansard*, vol. xxxiv. pp. 132, 1012.

question. Some authorities thought that a paper which was not published at regular intervals did not come within the terms of the law, and was not liable to the tax. The severity of the duty, moreover, defeated its object. Just as the high Customs tariff promoted smuggling, so the high stamp on newspapers encouraged the sale of unstamped papers. The risk of punishment was readily incurred for the sake of gain. Punishment, indeed, did not usually fall on the principal offenders. The Government shrank from advertising the unstamped papers by prosecuting their printers; and the penalties of the law were consequently reserved for ignorant old men and little children who hawked the publications through the streets. During the Grey Administration alone 400 or 500 persons were imprisoned for the offence.[1] These numerous prosecutions naturally created a strong feeling against the law. Educated men disliked the imposition of "taxes on knowledge;" humane men were shocked at the punishment of poor and ignorant hawkers; while men of every class were gradually awakening to the conviction that the proper antidote to immoral and seditious works is the dissemination of cheap and loyal publications.

This conviction happened to be confirmed by experience. The ignorant masses of the community were yearning for instruction, and it occurred to a few good men that instruction could most easily be afforded them through the publication of some cheap and useful periodicals. Charles Knight, a London publisher, endowed with ability, advanced views, and a benevolent disposition, undertook to carry out the idea; and a committee was at once formed for the diffusion of useful knowledge. Some of the most remarkable men of the age allowed their names to be placed upon the committee. Brougham was its chairman; Althorp and Russell; Hallam, the historian; Denman, the Chief Justice; Bell, the physiologist; Lubbock, the astronomer; Shee, the Academician, served upon it. James Mill and Roget represented at its meetings the philosophy of a past age; Cornewall Lewis and

[1] *Hansard*, vol. xxiii. p. 1197; and cf. vol. xxx. p. 844.

Herman Merivale, Rowland Hill and his brother Matthew, the spirit of the rising generation. In 1832 the committee undertook the publication of the *Penny Magazine.* The sale of a single issue of the magazine reached 200,000 copies.[1] In 1833 the society embarked on a more ambitious project, the publication of the *Penny Cyclopædia.* The success of these periodicals proved that the public appetite for useful knowledge was large and general, and that cheap works, well and ably written, were certain of a ready sale.

The publications of the Useful Knowledge Society.

Penny Magazines and Penny Cyclopædias were spreading useful information through the nation as it had never been spread before. Politicians were naturally reflecting that, but for the Stamp Acts, political knowledge could be spread in the same manner. The Stamp Acts made it difficult for any one who was not a rich man to afford the luxury of a daily newspaper. The subscription to an ordinary paper amounted to rather more than nine pounds a year, a sum which a poor man could not possibly afford.[2] Radical politicians consequently desired to repeal or reduce the tax, and thus encourage the operations of the papers. This proposal was met by Althorp, in 1834, and by Spring Rice, in 1835, with the rejoinder that the revenue could not afford the change. It was in vain that Bulwer Lytton, who was the chief advocate of reform, en-

[1] *Life of M. D. Hill*, p. 81.

[2] The population of the United Kingdom in 1835 amounted to about 25,000,000, and under 36,000,000 of newspaper stamps were issued (M'Culloch, ad verb. "Newspapers"). Charles Buller (*Hansard*, vol. xxx. p. 850) placed the circulation at 35,000,000, and assumed that 20,000,000 weekly papers and 15,000,000 daily papers were circulated yearly. The 20,000,000 weekly papers would have supplied a weekly newspaper to 400,000 people; the 15,000,000 daily papers would have supplied a daily paper to rather less than 50,000 people. Assuming that each paper had ten readers, 4,000,000 persons, or one person in every six of the population, may possibly have had access to a weekly newspaper, and 500,000 persons, or one person in every five hundred, to a daily paper. At the present time three London journals alone—the *Daily Telegraph*, the *Daily News*, and the *Standard*—sell more than 500,000 copies a day, or 3,000,000 copies a week. Their sale, therefore, in eleven weeks is as large as was the sale of all the papers in the United Kingdom in 1835 in a year.

deavoured to show that the reduction of the tax from fourpence to a penny would involve no loss. The circulation of the newspapers, he argued, would be trebled by the change. The new penny duty would consequently produce three-fourths as much as the old fourpenny duty, and the residue of the loss would be more than compensated by the increased yield of the tax on advertisements and the excise on paper. The newspaper stamp yielded £450,000 a year; and Spring Rice declined to sacrifice a certain revenue of this amount on the hypothetical calculation which Bulwer Lytton offered him. The newspaper tax was in consequence preserved; and its consideration deferred till another opportunity.[1]

Bulwer Lytton advocates the reduction of the tax.

It was obvious, however, that the consideration of the question could not be permanently postponed. Member after member rose to protest against the continuance of the tax; and Spring Rice was compelled to pledge himself to its repeal, so soon as the revenue could bear the loss of it. In 1835 the Treasury, on Spring Rice's showing, could not afford to abandon a single tax. The entire revenue of the year was placed at £45,550,000, the expenditure at £44,715,000. Nominally there was a surplus of £835,000. But the greater portion of this surplus, possibly the whole of it, was required to defray the charge of the West Indian Loan; and the revenue was, therefore, only just sufficient to cover the expenditure of the country.[2] If Spring Rice's

The Budget of 1835.

[1] For Althorp's refusal see *Hansard*, vol. xxiii. pp. 1210, 1222. For Spring Rice's, ibid., vol. xxx. pp. 623, 862. For Bulwer Lytton's speech, ibid., p. 835; and cf. p. 841.

[2] The exact figures were as follows:—

Revenue.		*Expenditure.*	
Customs	£20,000,000	Debt	£28,540,000
Excise	13,270,000	Consolidated Fund	2,040,000
Stamps	6,980,000	Supplies	14,135,000
Taxes	3,600,000		
Post Office	1,500,000		£44,715,000
Miscellaneous	200,000		
	£45,550,000		

—*Hansard*, vol. xxx. pp. 513, 521.

figures were correct there was no gainsaying the justice of his conclusion, that the Treasury could not afford to give up a single tax; and there were few economists in the House who would have ventured to impeach the veracity of Rice's statistics. There were greater financiers, there were better economists, there were abler statesmen, there were more eloquent orators than Rice in the House of Commons; but there was no one who could vie with him in figures. The speeches of the Chancellor of the Exchequer positively bristled with statistics; and figures were almost the only arguments which he ever condescended to use. His figures were available for every emergency. He had figures to prove that the Irish were prosperous. He had figures to prove that the poorer classes were not unduly taxed. He had figures in 1835 to save the newspaper tax. But the event in 1836 proved the inaccuracy of his own estimates. In 1835 he had expected a revenue of £45,550,000, and he received a revenue of £46,381,000. He had anticipated an expenditure of £44,715,000, and he expended £44,995,000. Instead of a surplus of £835,000 to meet the charge of the West India Loan, he had actually obtained a surplus of £1,386,000. The cautious forebodings which he had expressed in 1835 had proved unnecessary. In 1836 he placed the probable income at £46,980,000, the expenditure at £45,205,807; the charge for the West India Loan at £1,111,863, the surplus at £662,330.[1] This surplus obviously enabled him to redeem the pledge which he had given the year before. He reduced the tax on

The Budget of 1836.

1 The expenditure was as follows:—

Debt and Consolidated Fund	£30,620,000
Supply Services	14,585,807
	£45,205,807
West India Loan	1,111,863
	£46,317,670
Surplus	662,330
Revenue	£46,980,000

—*Hansard*, vol. xxxiii. p. 635.

newspapers from fourpence to a penny.[1] But he was able to do more than this. The excise on paper was open to many objections. For the purposes of the tax all sorts of paper were divided into two classes. First-class paper, comprising every kind not manufactured wholly out of tarred ropes, paid a duty of 28*s.* per cwt. Paper made wholly of tarred ropes was called second-class paper, and paid a duty of 14*s.* per cwt. The so-called first-class paper comprised all paper on which it was possible to write or to print, from the high-priced note-paper which was the luxury of the rich, and which could only be purchased for 112*s.* per cwt., to the thin paper on which the poorest journals were printed, and which could have been bought without the duty for one-fourth of that sum. The excise, therefore, on the cheaper papers was proportionately heavier than the tax on the dearer papers. But this inconsistency was only one of the many inconveniences which arose from the duty. The stipulation that the second-class paper should be made only of tarred ropes needlessly interfered with the operations of the manufacturers. Coarse sacking and refuse rags were equally suitable for the manufacture of rough packing-paper, and the manufacturer was only prevented from using them by the double duty which their use involved. Rice decided on abolishing the distinction between first-class and second-class papers, and on levying the same duty of 14*s.* per cwt. on all paper. His decision relieved the manufacturer from much vexatious supervision; it cheapened all kinds of paper; it encouraged literature by reducing one of the taxes which had impeded its progress; it stimulated the growth of the paper trade.[2]

The newspaper tax reduced to a penny.

The paper duty reduced.

[1] Rice proposed that a newspaper which did not exceed a certain size (1530 superficial inches) should pay the penny duty. It was objected that this size exactly suited the *Chronicle*, the organ of the Whigs, which was printed on one large sheet, and that it did not suit the *Times* and other papers, which supported the Tories, and were printed on a double sheet. In consequence the proposal, which was carried, aroused a great deal of angry discussion. *Hansard*, vol. xxxiii. pp. 517, 680.

[2] M'Culloch, ad verb. "Paper." Ibid., p. 665. Rice at the same time abolished the additional duty which had up to that time been imposed on all stained paper.

These changes absorbed the greater portion of Rice's surplus. The Liberals were warmly in favour of them. The diffusion of knowledge which would result from a cheaper press would, they thought, prove ultimately beneficial to the country and themselves. The Conservatives, on the contrary, had no anxiety for the diffusion of knowledge among the lower orders, and put up Knightley, the member for Northamptonshire, to suggest a reduction of the soap duties, instead of the reduction of the newspaper stamp.[1] Knightley desired to reduce the tax on soap from 1½*d.* to 1*d.* per lb., and was beaten by 241 votes to 208.[2] Spring Rice was able to maintain his own proposal and to reduce the newspaper tax. In one sense his measure proved very successful. Before five years had passed the circulation of the newspaper press was nearly doubled.[3] In another sense the reform was less thorough. The high-class newspapers reduced their price from 7*d.* to 5*d.* Such a reduction was not sufficient to enable the poorer classes to afford the luxury of a newspaper. A daily paper still cost from £4 to £7 a year; and the mass of the population could not afford this sum out of their scanty earnings. The alteration in the stamp duties placed the newspapers in the hands of the upper and middle classes; it failed to extend political knowledge to the lower orders.[4]

[1] A motion had already been made for the repeal of the soap duties and the substitution for them of a tax on tallow, and had only been lost by 195 votes to 125. *Hansard*, vol. xxxii. pp. 362–382.

[2] Ibid., vol. xxxiv. pp. 613–663. It was in this debate that Kearsley, the member for Wigan, described a speech of Roebuck's (who had been commenting on the contents of the *John Bull* and other high-priced papers) as "disgusting." The remark induced the interference of the Chairman; and Paul Methuen, one of the members for Wiltshire, supported the Chair. Kearsley retorted on Methuen the witty but irreverent reply, "Paul, Paul, why persecutest thou me?" Ibid., p. 655. The conversation is a good example of parliamentary manners in 1836. It may be added that, in the preceding ten days, the Speaker's authority had been twice invoked to prevent a hostile encounter between Honourable Members (ibid., pp. 486, 528), and that, before the session closed, one Honourable Member assured another that he would "make him remember" a remark which he had overheard. Ibid., vol. xxxv. p. 642.

[3] It rose from 35,800,000 to 61,600,000.

[4] The bill by which the newspaper duty was reduced was amended, on

The Budget, however, was generally popular; but there was one class in the community which was dissatisfied with its proposals. The agriculturists had for years been claiming some assistance from the Legislature. The cheap wheat, which was making the poverty of the lower orders tolerable, was throwing land in every part of the kingdom out of cultivation. The landlord could find no tenant for his farm; and the tenant was reduced to the lot of a labourer. The price of wheat, which had reached 126*s.* 6*d.* the imperial quarter in 1812, fell to 39*s.* 4*d.* in 1835. The agriculturists had not experienced such a price for nearly sixty years; and their representatives in Parliament were loudly clamouring for relief.

The agriculturists, indeed, had no longer the weight in Parliament which they had enjoyed twelve years before. But they were joined in every great debate by a party among the Radicals: some of whom attributed agricultural distress to the inconvertible paper currency, which had been established in 1819, while others shared the sympathetic views which Cobbett, as a farmer, expressed for his brother farmers. Thus reinforced, the agriculturists were able to present an imposing appearance in every debate, and to insist on attention being paid to their demands. For years Lord Chandos had made himself the chief representative of the farmers. On the 10th of March 1835 he unsuccessfully advocated the repeal of the malt duty.[1] On the 25th of May he moved an address

Lyndhurst's motion in the Lords, by the omission of the clauses which required all the proprietors of every newspaper to be registered. *Hansard*, vol. xxxv. pp. 971–990. The House of Commons refused to accept amendments to a money bill. The bill was accordingly dropped, and a new bill brought in and passed through all its stages in two days, and sent to the Lords (ibid., pp. 1092, 1094), by whom it was passed. It was supposed that the original clause was particularly distasteful to Walter, the principal proprietor of the *Times*, a journal which had distinguished itself by attacking the ministry. Melbourne very unnecessarily described Walter as "a fellow who had raised himself from a humble station in life to that of member for a county, who feared that his veracity might be impeached or his vanity injured." Ibid., p. 986. Walter retorted that no Lamb "had been distinguished for any merit of any kind until his Majesty had, unfortunately, called to his councils the individual who was now considered as head of the Government." Ibid., pp. 1191, 1192.

[1] Ibid., vol. xxvi. p. 735.

asking for the immediate removal of some of the burdens upon land.[1] Russell, as leader of the House, met the motion with an amendment which pledged Parliament to some reduction in the burden of the county rates.[2] Russell's promise was not satisfactory to the agriculturists. They divided against his amendment, and were beaten by 211 votes to 150.[3]

The agriculturists had frequently secured a more favourable division. The debate was, however, recollected because it was the last in which they had the advantage of Cobbett's assistance. His death, immediately afterwards, removed a striking figure from the House of Commons. Yet the work which it was Cobbett's business to do was already done, and his loss left no void which there was any difficulty in filling. Cobbett's influence, indeed, waned from the moment when the electors of Oldham chose him as their representative. His parliamentary duties compelled him to neglect his *Register*, and the circulation of his paper suffered in consequence. The diminution of his literary influence was not compensated by any impression which he made in the House of Commons. Cobbett had succeeded in many things, but he failed to attain parliamentary distinction. His undoubted abilities were not adapted to the atmosphere of Westminster; and the arguments which had frightened a ministry, when they were stated in the pages of the *Register*, only excited ridicule in the House of Commons. Cobbett, in fact, proved, after his entrance into Parliament, that his opinions on many subjects were as illiberal as those of the upper classes who were the object of his unceasing invective.[4] Liberal men were desirous of removing every

The death of Cobbett.

[1] *Hansard*, vol. xxviii. pp. 85, 91.

[2] The Government, in 1836, undertook to relieve the county rates of one-half the cost of prosecutions. The relief amounted to £40,000, and was not granted without a strong protest from Hume. Ibid., vol. xxxv. p. 1057.

[3] Ibid., vol. xxviii. p. 127.

[4] For his views on the upper classes see ibid., vol. xv. p. 855, where he declares that the nobility, clergy, and gentry of England, Scotland, and Ireland were the most unjust body of men that ever lived on the face of the earth. And cf. ibid., vol. xvi. p. 385.

religious disability from the statute book, and Cobbett declared that he would "oppose every attempt to emancipate the Jew and to unchristianise the country."[1] Advanced thinkers were endeavouring to assist the spread of knowledge, and Cobbett thought proper to attack a small grant for educating the people, and to inveigh against the utility of the British Museum. Liberal politicians were impressed with the necessity of employing paid magistrates in the largest towns, and Cobbett went out of his way to condemn this expenditure.[2]

An unreasoning hatred of the upper classes, an undiscriminating dislike of all expenditure, were the leading characteristics of Cobbett's political opinions; and the agitator lost weight from his incapacity to distinguish between the bad and the good of the system which he assailed. His impassioned invective was only half sincere. Persecution and the *Register* had made him a Radical; but nature, which had given him a taste for rural pursuits, had intended him for a Tory. His head was in the *Register*, inveighing against everything that was old; but his heart was at Botley, clinging to the old traditions which modern ideas were gradually extirpating from agriculture. Outbidding the Radicals on some questions, outbidding the Tories on others, he failed to secure the confidence of either party, or to acquire any definite position in political circles.

Cobbett's death[3] deprived the agriculturists of a firm ally, and agriculture was never in greater need of help. The price of wheat, it has already been stated, had fallen to 39*s.* 4*d.* in 1835; but this fact only imperfectly represents the stringency of the crisis to the agricultural interest. In January the average had amounted to 40*s.* 7*d.*; in December it had fallen

[1] *Hansard*, vol. xv. p. 635; and vol. xvi. p. 11.

[2] Ibid., vol. xxii. p. 621.

[3] Three months before Cobbett's death a man who was frequently associated with him—Hunt, the hero of Spa Fields and Peterloo—died. He had been member for Preston in the unreformed Parliament, and continued to represent it till after the Reform Act. There is an appreciative notice of him in the *Ann. Reg.*, 1835, Chron., p. 215.

to 36*s.* 8*d.*[1] The distress of the agriculturists was so great that some of them, meeting at Framlingham, actually proposed to stop the supplies till their grievances were redressed; and the ministry, without waiting for any pressure from the county members, recommended inquiry in the Speech from the throne. On the motion of Russell a select commitee was appointed, on the 8th of February, "to inquire into the state of agriculture."[2] The agriculturists could not complain of any further disregard of their interests by Parliament; and the country awaited with expectation the report of the Commons' committee. Never had a committee been constituted more likely to do justice to the agriculturists. Thirty-three members sat upon it, and most of the thirty-three were county members. The committee selected as its chairman Mr. Lefevre, a comparatively young man, who rose a few years afterwards to the highest place in the House of Commons, whose excellent abilities, whose strong frame, and whose keen relish for rural pursuits made him an admirable example of an English gentleman. Mr. Lefevre did his duty laboriously and impartially. He took care that every interest should have an impartial hearing; and he drafted a report which he himself thought was fully justified by the evidence. His proposed report, though it contemplated a reduction in the malt-tax,[3] told the farmers plainly enough that they must look for relief to their landlords, and not to the Legislature. County members who had agitated for inquiry could not resist the force of this conclusion, but they were not prepared to endorse it. Graham, to help them out of their dilemma, moved that the evidence should be reported without any observations. Chandos seconded Graham's recommendation. Russell, deferring to Chandos's opinion, acquiesced in the proposal. Peel, who had only reluctantly assented to the committee's appointment, agreed to it; and the committee, deprived of the help

A fresh Agricultural Committee appointed.

It separates without making a report.

[1] *Ann. Reg.*, 1835, Chron., p. 273.
[2] *Hansard*, vol. xxxi. pp. 147–163.
[3] Ibid., vol. xxxvii. p. 610.

of its leading counsellors, unanimously adopted Graham's suggestion.[1]

The inquiry recommended in the Speech from the throne, and anxiously awaited in the country, had terminated in failure; and the farmers, at last discovering that their landlords had nothing to recommend, ceased from urging inquiry into their grievances. Forty-three years passed, and nearly all the members of the old committee had dropped one by one into the grave, before another ministry, probably ignorant of the history of 1836, undertook to institute a new inquiry. Mr. Lefevre's draft report had proved more powerful than all the arguments of all the economists, and had effectually disabused the county members of any notion of obtaining relief from the State. For once a failure had proved more influential than a success; but the failure of the Agricultural Committee was in itself only typical of the session in which it occurred. The fate of the Irish measures proved that the ministry was unable to force any proposal through Parliament; and Tory peers, under the guidance of Lyndhurst, took pleasure in displaying their ability to reject or remodel every proposal that came before them. The ministry desired to introduce some technical amendments into the English Corporation Act. The bill was thrown out in the Lords. The ministry desired to place the estates of public charities under elected managers. The measure was also rejected by the Lords. These and other similar reverses emphasised the conduct of the Peers in recasting the Irish measures of the Government. Such conduct on their part would have precipitated a revolution in 1833; it excited more amusement than remonstrance in 1836. The great victory of 1832 had, in fact, produced in a limited way the consequences which had resulted from the great convulsion of 1789. Timid politicians, alarmed at the excesses of the republicans in France, had rallied in support of Pitt in the closing decade of the eighteenth century; and timid politicians, alarmed at the power of the tide which forced the Reform Act through Parlia-

The failure of the session.

[1] *Hansard*, vol. xxxv. pp. 381-398.

ment, were rallying in support of king and peerage in the fourth decade of the nineteenth century.

So far, indeed, as England was concerned, Liberal politicians could claim that the session of 1836 had not proved an entire failure. A year, in which a Registration Act had passed, in which the marriage laws had been amended, and in which steps had been taken for compulsory commutation of tithes, could not be regarded as undistinguished. But these successes could not reconcile Irish politicians to the loss of every measure of Reform which had been introduced to remedy the wrongs of Ireland; and Ireland was, in consequence, in a condition which made even Tories ambitious for office anxious. The loss of the Municipal Bill had exposed the unhappy Irishman whose lot lay in a town to a continuance of misgovernment. The loss of the Tithe Bill had perpetuated the sufferings of the Irish cottier. The agitation which O'Connell had attempted in Great Britain had ended in a miserable failure. The people, like the deaf adder of the Psalmist, had shut their ears to the voice of the orator and had refused to be beguiled by the dexterity of his charming. But the Irish, at any rate, were ready enough to listen to their old leaders. Sheil and Grattan were calling upon Ireland for "a development of the might which slumbers in her arm." On the advice of a dexterous barrister a committee was formed in Dublin for the purpose of organising monster meetings in every part of the country, and for petitioning Parliament for municipal and tithe reform. The committee, after a short existence, assumed a more formidable character. Its members converted themselves into a general or National Association which undertook to influence every parliamentary election. Except that it bore another name, and that it enlisted Protestant as well as Catholic support,[1] the new association differed in nothing from the old association which had been suppressed in 1829. Like the old association, it had its periodical meetings, its local machinery, and its "justice" rent. Like the old association,

The state of Ireland.

The National Association.

[1] *Hansard*, vol. xxxvi. p. 93.

it had the advantage of O'Connell's advice, the stimulus of O'Connell's eloquence.

The Tories were indirectly responsible for the agitation which thus prevailed. They were, however, too angry and too frightened to recognise their own responsibility in the matter. "The bloated and ferocious monster," as one of their annalists called the association, was extending "its monstrous and grasping limbs" from the capital to the provinces, "tainting with its poisonous breath the political and social atmosphere." There was no time for considering the causes which had produced the brute; the monster had to be destroyed.[1] Unluckily, however, for the Tories, men were in office who had no disposition to interfere with the association. Ministers, indeed, were ready enough to avow that they saw its existence with regret and concern.[2] They were even prepared to admit that the causes which had led to its foundation did not in their judgment justify its establishment. But they could not help perceiving that the association had been formed, not to thwart the measures of the Government, but to promote them; that the new agitation which O'Connell was commencing was directed, not against the ministry, but against its opponents; and that the Government had no hope of resisting the keen attack of the Tories without the active assistance of the Irish. Ever since the dissolution of 1834 parties had been evenly divided in the House of Commons, and the Whigs had been unable to rely on more than a narrow majority. In January 1837 it was estimated that 319 members followed the lead of Peel, while only 332 members were ranged on the ministerial benches. The English and Irish Radicals could command eighty votes; and their defection, therefore, could place the Government in a minority at any moment.[3]

[1] *Ann. Reg.*, 1836, Hist., pp. 300–303.

[2] *Hansard*, vol. xxxvi. p. 17. The expression was Melbourne's. A Tory endeavoured to force Russell into a similar declaration (ibid., p. 92), and Russell subsequently adopted Melbourne's words, adding, however, Plunket's memorable description of the Catholic Association: "It is the spawn of your own wrong." Ibid., p. 228.

[3] *Ann. Reg.*, 1837, Hist., p. 17, note. The Speaker and six vacant seats made up the full number of 658 members.

The narrowness of the majority by which the Government was supported urged both parties to unusual exertions. The Radicals of Bath and the Radicals of Middlesex met together for the purpose of impressing their views on the Government. The Conservatives of Scotland accepted the challenge; entertained Peel at a dinner at Glasgow, and applauded his uncompromising declaration to support Protestantism and the Peerage to the utmost of his ability.[1] These demonstrations, however, were of less importance than a great meeting held in Dublin to denounce the conduct of the Irish Government, and to uphold the Protestant religion. Three thousand five hundred Irish Protestants, headed by thirty Irish peers and by Irish members of Parliament, attended this formidable gathering. They complained that the association which had been formed by O'Connell had persecuted the clergy, had organised resistance to the law, and had convulsed the country by a most pernicious agitation. They complained that the Viceroy, by appointing its members to positions of trust and confidence, had encouraged its proceedings instead of suppressing them. They complained that he had strained the prerogative of mercy by opening the prison-doors for men who had been rightly punished. They complained that sedition had been encouraged and that loyalty had been checked by this policy; and that there was no longer either freedom or security in Ireland for the friends of the British connection and of the Protestant Establishment.[2]

Political meetings.

Ireland as well as Great Britain was thus the victim of political dissension. In both countries dissension was caused by the Irish measures of the ministry. In England these measures were approved by a minority, but were opposed by the majority. In Ireland they were supported by the majority, but obnoxious to the minority. The ministerial policy was thus producing opposite effects in the two countries. In England it was strengthening the hands of the Conservative

[1] *Ann. Reg.*, 1837, Hist., pp. 11–17.

[2] For the meeting see ibid., p. 28. For the debate on the petition emanating from the meeting, *Hansard*, vol. xxxviii. p. 299

party; in Ireland it was encouraging the efforts of O'Connell and the Repealers. The events which in one country were producing action were promoting reaction in the other; and ministers, forced forward by the necessity of conciliating the Irish, found that every step which they took in advance separated them still further from the English people. This circumstance received a memorable illustration before the session was three months old. In former years Burdett had been the darling of the mob, the champion of the Radicals, and the unfailing advocate of Reform. His conduct in 1810 had procured him the distinction of imprisonment in the Tower; his conduct in 1820 had made him a second time a political martyr. A politician who had twice proved the constancy of his opinions by such an ordeal seemed a leader *sans peur et sans reproche*. He repaid the confidence with which the Radicals regarded him by applying to their service the powers of a cultured mind and of a stately or pompous eloquence. Until 1833 Burdett continued constant to his old friends. From 1833 close observers fancied that they could detect a slight alteration in his opinions. The same influences which had forced Stanley and Graham into the ranks of the Conservatives were slowly operating on Burdett. Throughout the whole of 1835 and 1836 he constantly absented himself from his parliamentary duties. In 1837 some of his constituents, dissatisfied with his conduct, called upon him to resign his seat, and thus enable them to select some more suitable representative; and on the 24th of April, Burdett, deferring to their claim, accepted the Chiltern Hundreds, and called upon the electors of Westminster to pronounce their opinion on his conduct. In doing so he announced that he was opposed to "an unnatural alliance, an odious yet ludicrous combination of Irish agitators, popish priests, and paid patriots, operating upon a well-intentioned but weak and vacillating Administration."[1]

Burdett joins the Tory party.

The defection of Burdett soon received a striking commentary. The Westminster electors, instead of rejecting him,

[1] *Ann. Reg.*, 1837, Hist., p. 97.

returned him over his Radical opponent by a considerable majority. The Tories naturally inferred from this election that the change which had taken place in his opinions had simultaneously occurred in the views of the Westminster electors, and that they shared his distrust of the alliance between the Government and O'Connell. It was everywhere perceived that unpopularity in Parliament and unpopularity out of doors might at any moment lead to the fall of the ministry and the formation of a Tory Government.

He is re-elected for Westminster.

The formation of a Tory Government, moreover, seemed inevitable from the attitude of the Lords. There was no prospect that the Tory peers would accept an Irish Tithe Bill with an appropriation clause, or that they would assent to the reform of Irish municipalities. The wiser among the Whigs, indeed, perceiving the error which they had made in 1835 by refusing to accept a Tithe Bill without an appropriation clause, were anxious to retrace their steps and to effect a compromise with their opponents.[1] But on the Municipal Bill there was no hope of compromise. No Liberal dared say that a reform which had been applied to English and Scotch boroughs should be refused to Ireland; and on the success or failure of the Municipal Bill the Government accordingly took its stand. Russell reintroduced the measure into the House of Commons on the 7th of February. It was read a second time, almost without debate, on the 17th of February,[2] and the real contest was reserved for the motion for going into committee. The Tories then repeated the tactics which they had adopted in the previous year. Francis Egerton again proposed that the committee should be instructed to provide for the abolition of the existing municipalities; and that they should make some fresh arrangements for the administration of justice and the peace and good government of Irish towns.[3] The Tories had thus again raised the distinct issue whether Ireland should be permitted to enjoy the advantages of local government. Their

The Irish Municipal Bill.

[1] *Greville*, vol. iii. pp. 388, 391. [2] *Hansard*, vol. xxxvi. p. 633.
[3] Ibid., pp. 657, 673.

mistake in taking this course was soon visible. In 1836 they had been defeated on Egerton's motion by 307 votes to 243. In 1837 the Government majority rose to 322 votes: the number of its own supporters remained almost stationary.[1]

Egerton and the Tories had done their best to strengthen the Government. They had given the ministry the greatest victory which it had ever won, and induced the country to believe that it might stand after all. It is possible that, if the ministry had quietly persevered with its Irish measures, this impression might have been undisturbed. The Government, however, felt it necessary to do something to satisfy its English supporters. The Dissenters were not contented with the Marriage Act of the previous session. They complained that they were not allowed to bury their own dead; that they were liable to be rated for the support of a Church whose views they did not share, and whose services they did not attend; and that their children were still excluded from graduating at the old Universities. In 1834 Althorp had prepared a scheme for the abolition of Church rates. On the 3rd of March 1837 Spring Rice introduced another proposal with the same object. He desired to vest the management of the Church estates in an Ecclesiastical Commission; to increase the value of the Bishops' lands by abolishing fines, and by enabling the commissioners to lease them in perpetuity or for long periods instead of for only twenty-one years; and to devote the money which was obtained in this way to the repair of churches.[2] The scheme which was thus proposed excited consternation amongst Churchmen. They doubted the sufficiency of the Church estates to provide the Bishops with adequate salaries and to supply the place of Church rates; they objected to the Church being deprived of a fund which yielded £250,000 a year; and they disliked making any concession to Dissenters, who had extorted it by agitation or by resistance to a legal tax. In England the Church still commanded the support of the majority. In England, therefore, Spring Rice's proposal only

Church rates.

[1] *Hansard*, vol. xxxvi. p. 958. [2] Ibid., p. 1207.

increased the reaction against the Liberal measures of the ministry. The heads of the Church solemnly protested against it.[1] The representatives of the Church in the House of Commons stated and re-stated their objections to it for four nights; and the resolutions which Spring Rice had proposed were ultimately adopted by only 273 votes to 250.[2] The division presented a striking contrast to the great victory which the ministry had gained less than three weeks before on the Irish Corporation Bill. It was seen at once that a measure carried by only a narrow majority, and resisted by the full force of the Church, had no chance of becoming law; and it was shrewdly suspected that the ministry which had committed itself to its provisions had narrowed its chances of surviving the struggles of the session.[3]

In the meanwhile the Irish Municipal Bill continued to make progress. On the 20th of March it was passed rapidly through committee; on the 11th of April, after two nights' debate, it was read a third time by 302 votes to 247.[4] Even Tory peers did not venture on summarily rejecting a reform which had been supported by majorities of eighty and fifty-five in the House of Commons. The Tories, however, though they were afraid of rejecting the bill, were in no mood to adopt it; and they accordingly devised a singular expedient for postponing its consideration. The king, in opening Parliament, had declared that there were three measures affecting Ireland which he recommended to the early consideration of the Legislature—the constitution of the municipalities, the law respecting the collection of tithes, and the establishment of some adequate provision for the maintenance of the poor. The three subjects had been linked together by the king: it was neither right nor expedient that

The progress of the Municipal Bill.

[1] *Hansard*, vol. xxxvii. pp. 147–159.

[2] Ibid., p. 549. When the resolutions were reported a motion was made that the increased funds should be applied to purposes of religious instruction within the Church. This motion was withdrawn, and the resolutions were only carried by 287 votes to 282. Ibid., vol. xxxviii. p. 1073. This division "settled" Spring Rice's scheme.

[3] *Greville*, vol. iii. p. 392.

[4] *Hansard*, vol. xxxvii. p. 1110.

the Lords should separate them. In these circumstances Wellington suggested that the Municipal Bill should be postponed until the two other measures were before the Peers.[1] The suggestion was adopted at a private meeting of the Tories.[2] They consented to the bill being read a second time on the 25th of April;[3] but they succeeded in postponing its consideration in committee from the 5th of May to the 9th of June.[4] On the 9th of June they obtained its further postponement to the 3rd of July.[5]

The obstructive attitude of the Lords.

The action of the Lords was the more unjustifiable, because the Government was already dealing with the two other measures which had been announced in the King's Speech. On the 13th of February Russell explained the principles on which it was proposed to institute a poor law in Ireland; on the 1st of May, a week after the second reading of the Municipal Bill in the Lords, Morpeth introduced his Tithe Bill.[6] It was impossible, therefore, for Tory lords to say that the proposals of the Government were not before the Legislature; they could only contend that they had not yet come before the House of Lords. The Radicals accordingly thought that the ministry should reply to the challenge of the Peers by withdrawing the Tithe Bill. The language which Russell had used in private at an earlier period of the session justified the inference that he would resent the conduct of the Peers. Instead of doing so, however, he undertook to go on with the other measures of the Government. "It is better," so he argued, "that we should wait and see whether we have mistaken the intentions of our opponents, instead of adopting that decided course which it would afterwards be shown we were not justified in pursuing."[7]

Russell's temperate advice was not acceptable to the Radicals. They had been annually becoming more and more dis-

[1] *Hansard*, vol. xxxvii. p. 1156.
[2] *Greville*, vol. iii. p. 397.
[3] Ibid., vol. xxxviii. p. 277.
[4] By 192 votes to 115. Ibid., p. 599.
[5] By 205 votes to 119. Ibid., p. 1329.
[6] Ibid., vol. xxxvi. p. 453; and vol. xxxviii. p. 408.
[7] Ibid., vol. xxxviii. p. 696.

contented with the conduct of the Government. They were anxious to carry on the work which had been only commenced in 1832. One of them was advocating the ballot; another the repeal of the rating clauses of the Reform Act; a third the separation of Church from State; a fourth the reform of the House of Lords. The moderate views of the Government seemed intolerable to them. The Whigs, judged by their conduct, were no better than the Tories—"they had deceived the people." Among the abler members of the Radical party in the House of Commons was a young man—Roebuck—who had been elected by the Liberals of Bath. Endowed with a ready tongue and facile pen, he naturally aspired to a high place in the Radical ranks, and he became the historian of the Whig Ministry of 1830. His history, however, ceases from the moment when his own feelings towards the Administration began to change. His own confidence in the Whigs was shaken by the retirement of Durham, and it was destroyed by their return to office without Brougham. On the 9th of June 1837 Roebuck moved for a committee of the whole House on the state of the nation. "There was no Government," he complained. "Ministers were not in the position in which they stood at the commencement of the session. They stated that they would stake their existence on the fate of the Corporation Bill for Ireland. What had become of that bill? Why, it had been postponed. In what state, then, were they? Paralysed. And he asked the noble lord, he asked the House, he asked the country, what good was to be derived from playing over a farce by discussing the Irish Tithe Bill?" The Government were responsible for the deadlock which had occurred. "To-day they are Liberal, to-morrow the reverse. Aristocratic in principle: democratic in pretence. They have come forward with large promises and mean performance. Vaguely Liberal has been their talk—ineffective and useless have been their measures. What has been the result? Defeat in this House, disgust out of doors. The people are disheartened when led by men whose principles they cannot understand and whose

Discontent of the Radicals.

honesty they begin seriously to doubt; and the present ministry will cease to be a ministry in a few weeks, if the people remain in their present apathetic condition. If ministers stand still they are ruined; their only chance of success is by going forward. The headlong conduct of the Tory party here and in the House of Lords compels you to demand as a right, not to be refused, what you have hitherto sought as a favour. The whole machinery of legislation is at a dead stop. Under these circumstances does it not behove us, instead of proceeding with a bill which we know can in no case pass into a law, to endeavour to discover the means of rescuing ourselves from the difficulties in which we have been involved by the conduct of the Government?"[1]

Nothing came of Roebuck's vigorous invective. The Whigs, instead of cheering the intemperate attack of a discontented Radical, satisfied themselves with praising the temperate reply of their own leader.[2] Attack and reply, indeed, both wore an artificial aspect. The politicians who were busily discussing the policy which it was desirable to pursue knew well enough that the days of the existing Parliament were numbered. Throughout the previous month the king had been very ill.

The king's illness and death.

His illness, talked of in society during May, could not be concealed from the public in June. It was then seen that the ministers had possessed a graver reason than they had been able publicly to avow for their patient endurance of the exasperating conduct of the Lords; and that they had wisely hesitated to provoke a crisis in their own fate at the moment when the sceptre was descending from the keeping of an old king to the inexperienced hands of a young girl. Throughout May the king's recovery was doubtful; in the middle of June it was hopeless. On Sunday, the 18th of June, the public were told that he was more feeble; on the 19th that he had received the Sacrament; on the 20th that he was dead.[3]

[1] These sentences, extracted from various parts of it, give an accurate notion of a speech which will be found *in extenso* in *Hansard*, vol. xxxviii. pp. 1337–1353.

[2] For Russell's speech see *Hansard*, vol. xxxviii. p. 1363. Cf. *Greville*, vol. iii. p. 401

[3] *Ann Reg.*, 1837, Chron., p. 60. Cf. *Greville*, vol. iii. p. 406.

The character of William IV. was painted in flattering language by his ministers and his contemporaries. Melbourne declared him to be "a being of the most uncompromising and firmest honour that ever it pleased Divine Providence to place upon the throne." Wellington added his testimony to the firmness, the discretion, the candour, the justice, the spirit of conciliation towards others, and the respect for all which had distinguished the sovereign; and Grey declared that he was a Patriot King.[1] These compliments have since been repeated by writers who ought to have been free from the motives which induced contemporary politicians to exaggerate the virtues and overlook the faults of the monarch; and even Liberal historians have gone out of their way to describe William IV. as a great and good sovereign. Such descriptions by their very extravagance injure the character which they seek to exalt. The chief point of public interest in which William deserved well of his country was the support which he afforded to Grey during the crisis of the Reform Bill. Even this support, however, was only temporary; and, in 1832, one of the greatest obstacles in the way of the ministry was the passive resistance of the king to the measure. From 1832 William constantly thwarted the policy of his ministers. He was opposed to the abolition of slavery; he was opposed to the reform of the Irish Church; he was opposed to Palmerston's foreign policy. He ventured on a public display of his opposition by dismissing his ministers in 1834. Forced to recall them to his counsels, he had not the good taste to treat them with decent civility, or even to conceal from others the dislike which he bore them.

His character.

The treatment which Melbourne and his colleagues habitually received from William IV. ought to have prevented their using the terms of extravagant praise in which they described his character. The resentment which uncompromising flattery induces may in itself betray posterity into another injustice. As a monarch William IV. was neither great nor wise. Yet he had qualifications as a man which

[1] *Hansard*, vol. xxxviii. pp. 1548, 1550, 1551.

it would be neither generous nor just to overlook. Nature had endowed him, in common with all his brothers, with excellent abilities; and, when his prejudices were not excited, his judgment was cool and good. Unluckily, the hereditary taint which was present in his blood disordered his intellect and deteriorated his understanding. Eccentric rather than insane, he had the obstinacy which distinguishes insanity; but neither eccentricity nor obstinacy had deadened the kindlier feelings of his heart. Married late in life to a queen with few personal attractions, he proved a good and faithful husband. His numerous natural children had every reason to regard him as a kind and indulgent father. His ear was always open to any tale of distress, and his bounty was usually given with the liberality of youth rather than with the caution of age. Devoid of dignity, hating ceremony; with a nod, and perhaps an oath, for a friend; with a speech, in or out of season, for every occasion, he would have passed in private life for a good-natured sailor. The good-natured sailor was hardly qualified for the throne on which destiny placed him.

In one respect, however, destiny was kind to William. He ascended the throne when an old man: he occupied it for only seven years; and those seven years were memorable for some of the greatest measures which have ever been passed in this country—Parliamentary Reform, Municipal Reform, the Abolition of Slavery, the New Poor Law, the Commutation of Tithes, the Registration Act, the Marriage Act. The commencement of his reign saw the opening of the first public railway. Before it closed the experiments of inventors were paving the way for the introduction of the electric telegraph. Such great events had never previously been compressed into so short a space of time as those which dignified the period during which it was the lot of William to occupy the first throne in Europe.

In a political sense William's death was the most important circumstance of his life. Had he lived but a few weeks longer his ministry must have retired from office. The dead-

lock which had arisen from the conflict between Lords and Commons could only have been solved by the resignation of Melbourne and the accession to power of a Tory Government. William's death averted this contingency. A dissolution of Parliament was inevitable. The ministry had a sufficient excuse for winding up the affairs of the session and for making an appeal to the country. Such an appeal, a few weeks before, would probably have resulted in the return of a Tory majority. The electors would have avenged the shortcomings of the ministry on the heads of Melbourne and Russell, and rallied to the support of the Tories and Peel. After William's death the appeal wore a new aspect. Melbourne was no longer the representative of an abortive policy: he was the minister of a young queen. Old men, who had recollected the obstinacy of George III., who had deplored the vices of George IV., and who had laughed at the eccentricities of William IV., were touched at the spectacle of a young girl, with the grace of youth and the charm of innocence, succeeding to a position whose responsibilities and anxieties might have added a new care to years. Loyalty, which had languished under the chilling influence of vice and eccentricity, was revived by the warm smile of dignity and innocence; and the people, associating the Whigs with their sovereign, confirmed Melbourne in power.

The results of his death.

The young princess who thus succeeded to the throne was the daughter of George the Third's fourth son, the Duke of Kent. The particulars of her birth and of her father's death have already been related in a previous chapter of this history. During her childhood she had been carefully educated, under her mother's supervision, by her governess, the wife of Northumberland and the grand-daughter of Clive. In the company of the Duchess of Kent she had visited, in 1835, some of the principal places in the kingdom; but the tour which she then made was almost the only instance in which she was introduced to her future subjects. At the conclusion of it she withdrew into the retire-

The accession of Victoria.

ment in which her mother thought proper to seclude her. Her mother's views in this respect were probably influenced by her own unfortunate differences with the king. William IV. had contracted a hearty dislike for his sister-in-law, which he had neither the taste nor the temper to conceal. The reception which awaited the Duchess of Kent when she appeared at Court[1] would have induced most women to avoid troubling the king with their presence. Till the eve of William's death there was no actual necessity for her appearance. The princess was still a minor; her mother was still her sole guardian; and she had the right, if she chose to do so, to live with her child in the seclusion of Kensington. On the 24th of May 1837, however, this arrangement became no longer possible. On that day the princess completed the eighteenth year of her age and attained her majority. Of age, and presumptive heiress to the throne, she could not avoid playing her own part in her uncle's Court. At this moment, however, her uncle's Court, by a singular chance, was clouded by the king's last illness; and it was thus the princess's lot to make her first appearance, not as presumptive heiress to the throne, but as queen.

William died early on the morning of the 20th of June. His counsellors hardly waited for daylight before they hurried to Kensington, and insisted on the young queen being roused from her slumbers and acquainted with her dignity. Melbourne was with her at nine; the Privy Council assembled at eleven; and the Lord Mayor and Common Council paid their allegiance to her at twelve. Privy Councillors and Common Councillors were thus hastening to do homage to their new sovereign. Old men, experienced in all the arts of a court, were quivering with excitement; and the only person who maintained her dignity and self-possession was the young girl just emerging from her privacy, the object of their adoration. Without the advantage of her uncles' stature, she had more dignity than they could claim; without the advantage of unusual beauty, she had a winning smile and engaging

[1] *Greville*, vol. iii. p. 366.

manners; while her clear musical voice—"soft, gentle, and low, an excellent thing in woman"—struck a responsive chord in every listener.

The favourable impression which the young queen made on the few persons whom she first saw was shared by the wider circle which she received on the following day. On the 22nd she sent a message to Parliament, in which she suggested that the business of the session should be wound up as rapidly as possible, in order that she might be able to comply with the law which imposed on her the duty of summoning a new Parliament. The members of the Legislature gladly availed themselves of an excuse for freeing themselves from the embarrassing difficulties which had been produced by the conflicts of the two Houses. The necessary business of the State was rapidly transacted, and on the 17th of July Parliament was formally prorogued by the queen. Her appearance on this occasion, the dignity with which she acknowledged the cheers of her subjects, the clear unfaltering tones in which she read her speech, increased the favourable impression which she had already made; and the people found a new excuse for a loyalty which they had never previously felt in the grace and appearance of their young queen.[1]

Parliament is dissolved.

Amidst the enthusiasm which the queen everywhere excited Parliament was dissolved. The general election, which immediately took place, did not materially alter the strength of parties. The Tories gained several seats in English counties; the Liberals gained a few seats in English boroughs; and O'Connell added largely to the numerical strength of his personal followers. Graham, defeated in Cumberland, was the only prominent statesman who lost a seat. But Burdett, satisfied with his victory of the previous spring, declined again to appeal to his Westminster constituents, and took refuge in the more congenial atmosphere of an agricultural

1 For these events see *Ann. Reg.*, 1837, Hist., p. 235, and Chron., p. 60; *Melbourne*, vol. ii. p. 232; *Greville*, vol. iii p. 406; *Palmerston*, vol. ii. p. 250; and *Hansard*, vol. xxxviii. pp. 1546, 1921.

county. The elections, however, did not materially alter the balance of parties. The Liberals still enjoyed a small majority in the House of Commons. The Conservatives still remained a compact and formidable Opposition. But the strength of the Government was increased by the circumstances of the election. In the old Parliament every one had known that the king was opposed to his ministers: in the new Parliament every one believed that the queen was attached to them. In the old Parliament every one had expected that the approaching dissolution would give Peel a majority: in the new Parliament every one saw that these expectations had been disappointed. In the old Parliament ministers had used the language of men who were expecting their fall: in the new Parliament they felt the confidence which arises from an assured position.

It will be the object of the suceeeding chapter to relate the history of the four years which succeeded the accession of the queen. Before proceeding, however, to describe the details of a policy, which irritated a nation and destroyed a Government, it is desirable to dispose of two matters whose relation would otherwise confuse the subsequent narrative. In the first place, the accession of the queen to the throne dissolved the direct connection between Germany and Britain; in the next place, it necessitated fresh arrangements for the support of the dignity of the Crown. Since the reign of Anne the throne of England had been occupied by the sovereigns of Hanover. The Crown of Hanover, however, devolved only on the male members of the House of Brunswick; and on the accession of a female to the throne of Britain it descended to Ernest, Duke of Cumberland, the fifth son of George III. The Duke took the earliest opportunities of displaying his peculiar notions of kingcraft. Hanover had received representative institutions as a reward for the sympathy of its subjects with the revolution of 1830. Its new king marked his accession to the throne by superseding its Constitution. His conduct in doing so elicited a cry of distress from the minor German States, each of which feared

The Crown of Hanover.

that its own "pelting petty" sovereign would, like Ernest of Hanover, "use his heaven for thunder—nothing but thunder."[1] Their cry awakened a responsive echo in the British House of Commons. A Liberal member, on the last day of the session, asked the Government whether the report of the king's conduct was true, and declared his intention of introducing a measure in the next Parliament to vest the succession to the British throne in Prince George of Cambridge.[2] Fortunately for his Hanoverian Majesty, the Liberal member who made this attack upon him lost his seat at the ensuing election. Fortunately for Britain, the good health which his niece enjoyed, and her subsequent marriage, made the people take only a languid interest in the conduct of Ernest of Hanover.[3]

The history of the Civil List has already been related in a previous chapter of this work. All the revenues of the country were originally held by the Crown for the public purposes of the State. After 1688 the Crown revenues proved insufficient to discharge the whole cost of Government, and the Legislature relieved the sovereign from certain specified charges. The taxes which were voted for the purpose were appropriated by Parliament to prescribed objects; and the Crown was only allowed the use of the more permanent revenues, or of the hereditary revenues, as they were usually called. These hereditary revenues proved insufficient to defray all the charges of civil government and to provide for the wants of the Court; and it was consequently decided that Parliament should take them into its own management, and assign the sovereign a fixed annuity in their place.

The Civil List.

Changes in England are rarely completed in the first instance. The financial reforms which were commenced at

[1] *Ann. Reg.*, 1837, Hist., p. 337; and Chron., p. 304, where the letters patent altering the Constitution are printed.

[2] *Hansard*, vol. xxxviii. p. 1923.

[3] The Duke, it may be added, clung to the £21,000 a year which had been granted to him by the British Legislature, and refused to give up the apartments in St. James's Palace which had been given to him by the Crown (*Hansard*, vol. liii. pp. 172, 288), and which, some people will recollect, were the scene of a dark and unexplained event in his life.

the Revolution have not even yet been pushed to their extreme logical results; and in 1760 the whole cost of civil government was thrown on the sovereign, while the casual revenues of the State were left under the direct control of the Crown. During the next seventy years the Civil List was gradually relieved of many charges; and in 1837 it was decided to remove from it every charge which was not directly connected with the support of the Crown. At the accession of William IV., moreover, the Crown surrendered its interest in all the casual revenues. A surrender of this kind, once made, was, virtually, irrevocable. It would have been as impossible for any future sovereign to have resumed a revenue which his predecessors had surrendered as it would have been impracticable for him to have restored the Star Chamber, or to have made the appointment of the Judges dependent on his pleasure.

In 1837 the queen, imitating the example of her uncles, and adopting their phraseology, placed unreservedly at the disposal of Parliament those hereditary revenues which were transferred to the public by her immediate predecessor, and asked her Parliament to make adequate provision for the support of the honour and dignity of the Crown.[1] Her ministers properly proceeded to determine the Civil List without paying the least attention to the value of these revenues, but solely with regard to the amount which it was necessary to place at the disposal of the sovereign. They did not even venture to act upon their own judgment, but referred the papers upon the subject and their own calculations to a select committee of the House of Commons.[2] The committee altered the recommendations of the Government in one very important particular;[3] but it never suggested that the income of the sovereign should be dependent on anything except the single consideration what sum was necessary for the support of the throne. The pretension, which has been urged in later times, that the Civil List

Its amount settled with the assistance of a select committee.

[1] *Hansard*, vol. xxxix. p. 137. [2] Ibid., p. 185.
[3] The report is printed in *Ann. Reg.*, 1837, Chron., p. 277.

was a bargain between the Crown and the public, was not advanced by any competent authority in the Legislature in 1837.

Statesmen had no difficulty in determining the sum which was necessary for the support of the throne. William IV. had enjoyed a Civil List of £510,000, but £50,000 of this sum was allotted to the privy purse of his queen, £75,000 to pensions, and £10,000 to secret service money. Ministers themselves proposed that the Civil List of the new queen should be calculated on the same data. But the committee, to which the matter was referred, determined on further reductions. The secret service money was withdrawn from the Civil List; a new arrangement respecting pensions was made; and the Civil List was fixed at £385,000. The decision conferred £10,000 more on the queen than had been enjoyed by her predecessor.[1] Some members thought the arrangement much too liberal. Hume complained of the unnecessary expenses which were incurred in the offices of the Lord Chamberlain, of the Lord Steward, and of the Master of the Horse; of the absurd salaries which were paid to ornamental officials like the Master of the Buckhounds and the Constable of Windsor; and moved to reduce the grant by £50,000. A younger member, Benjamin Hawes, who afterwards became well known as one of the permanent officials of the State, suggested a smaller reduction of £10,000. Hume only secured 19 votes against a majority of 199. Hawes' more reasonable suggestion procured the support of 41 members against a majority of 173.[2]

1 The amounts were :—

William IV.'s Civil List.

1st class.	Privy purse—	
	William IV. .	£60,000
	Queen Adelaide .	50,000
2nd class.	Salaries and pensions, household	130,300
3rd class.	Tradesmen's bills	171,500
4th class.	Royal bounty .	13,200
	Secret service .	10,000
5th class.	Pensions .	75,000
		£510,000

Queen Victoria's Civil List.

1st class.	Privy purse of queen .	£60,000
2nd class.	Salaries, &c., household .	131,260
3rd class.	Tradesmen's bills	172,500
4th class.	Royal bounty .	13,200
	Unappropriated moneys .	8,040
		£385,000

—Report, Civil List Committee. *Ann. Reg.*, 1837, Chron., p. 277.

2 For the debate and divisions see *Hansard*, vol. xxxix. pp. 1160–1181.

The amount of the Civil List was settled by these divisions. But there was one matter connected with it which became the subject of constant debates. In the old system of government, which had been terminated by the Reform Act, nothing had appeared more objectionable than the lavish pensions granted to the favourites or to the supporters of the ministry. In the new system of government which had been originated in 1832 the continuance of the pensions which had been granted by former sovereigns was a favourite theme for denunciation. The Whig party had an hereditary interest in stopping these pensions. They had been denounced by their great master Burke in 1782. The eloquence of Burke, however, produced no considerable effect. He had proposed to limit the pension list to £95,000 a year; and on the death of George III. it amounted to £203,000. The scandalous extravagance and corruption connected with it were, however, already attracting considerable criticism; and, between 1820 and 1830, the pension list was gradually reduced to £180,000.[1] These reductions did not moderate the remonstrances which were continually urged against it. A large party in Parliament demanded that the commencement of a new reign should be taken as an appropriate period for revising it; and nothing but the determination of the king to save the pensioners, and the resolution of Grey and Althorp to support the sovereign, prevented this arrangement. The pensions were saved. Pensions to the amount of £75,000 a year were placed on the Civil List. The rest were charged to the Consolidated Fund; and the Civil List pensions were in future limited to the £75,000 at which they had been fixed.[2] These limitations on what previous generations would have called the prerogative of the Crown did not satisfy the Liberal party: in February 1834 they carried a resolution prescribing the conditions on which future pensions should be granted; and in April 1836 one of the more violent members of the party[3] called the pension list "this disgusting State workhouse."

The Pension List.

[1] *Hansard*, vol. xxxix. p. 149. [2] Ibid., p. 879.
[3] Whittle Harvey, in ibid., vol. xxxii. p. 1216.

One defence, which it would have been difficult to have met, might have been offered for the pension list. The Radicals pushed their attack by citing case after case of prodigal abuse: the Conservatives might have turned their approaches by quoting cases of unexceptionable benevolence. Among the pensioners were the two daughters of Maréchal Biron, the gallant general of the Bourbons. A short time before the American war their father had found Rodney in distress in Paris, and thrown into prison by his creditors. Biron, thinking that France had no right to deprive her enemies of the services of a gallant officer, paid Rodney's debt, opened his prison-doors, and thus enabled him to win the great victory which shed a lustre on the closing years of the American war. Years afterwards Biron's daughters, driven by the Revolution from their own country, were forced to fly to London. Poor and defenceless, their story was told to the king; and George III. sent for them, acknowledged what England owed to their father's generosity, and repaid the obligation by placing them on the pension list.

On the same list was the name of another lady, the daughter of a gallant officer who had lost his life in command of the expedition which had won St. Lucia for the Crown of England. She had nothing but the little pension of £80 a year which had been conferred on her by the Legislature in return for her father's services; yet her spirit was roused by the constant reproaches with which among the rest of the pensioners she was daily assailed. "I have indeed enjoyed my pension long," she wrote, "but that has been the will of God, not my fault; and it is true that, as it is my only resource, I should be glad to retain it, if I can be allowed to do so with honour and without reproach, and to receive it with that dignified thankfulness with which the daughter of a usefully brave British officer may accept a national testimony of her father's deserts; but if this cannot be, and his services are considered as having been long remunerated, why, then, sir, I can cheerfully resign that which I hope may lessen the distress of some younger and weaker child of affliction; and being, by God's blessing,

able, both in body and mind, to seek my own subsistence in the education of the children of some more fortunate family, I may perhaps find an answer to the quarterly question of my mind, whether such wages as I should then receive for my honest service were not more honourable than the degrading reception of a pension so grudgingly bestowed."[1]

Before the Reform Act the attack on the pension list was usually directed by Graham and Hume; after the Reform Act the management of the case fell into the hands of Harvey, a Radical member, who, if his character had been only equal to his abilities, might have risen to a high place in the ranks of the Liberal party.[2] Harvey desired to instruct the committee to which the Civil List was referred to cause full examination to be made into the circumstances under which each pension had been granted. The ministry declined to accept Harvey's proposal, but offered, after the Civil List Committee had reported, to appoint a second committee to undertake the inquiry. The House, after some debate, assented to the proposal of the ministry;[3] and, on the 8th of December 1837, Spring Rice rose to give effect to it. The ministry, however, then discovered that, in attempting to conciliate Harvey and the Radicals, it had aroused the opposition of the Conservative party. The Conservatives regarded the motion as a reflection on themselves, since the objectionable pensions had been mostly granted under the advice of Conservative ministers, and as an unjustifiable interference with the rights of individuals, since pensions, however they might have been obtained, had hitherto been considered as sacred as property, and, like property, had been made the subject of marriage settlements, and the security of creditors.[4] The annoyance of the Conservatives was moreover increased by a comparison which Harvey drew between the pauper in receipt of outdoor relief and the pensioner on the

[1] *Hansard*, vol. xliv. p. 798.

[2] See *Brougham*, vol. iii. p. 267; and cf., *passim*, the debates on the refusal of the Inns of Court to allow Harvey to be called to the Bar, in *Hansard*, vol. xix. p. 470; vol. xx. p. 578; and vol. xxiii. p. 893.

[3] Ibid., vol. xxxix. p. 185.

[4] Ibid., p. 914.

Civil List. The old woman who had been granted two shillings a week by Mr. Brown, the churchwarden, twenty years before, had found that her claim had been summarily extinguished by the guardians, under the New Poor Law, who had discovered that her children were earning good wages, and could easily support her. Yet how did her case differ from that of the dowager on the pension list, whose son was rolling in wealth, the fortunate possessor of the largest estates in the county? The ingenious argument caused dismay in the Conservative ranks; and a Conservative annalist, thinking it necessary to answer it, was driven to the preposterous conclusion that an allowance from the poor-rate, however indefensible its origin, was as sacred as a pension.[1] Idleness and pauperism were thus made the miserable objects for which a great party was contending.

Fortunately for the country the Conservatives were unable to secure the acceptance of their arguments. Peel, indeed, exerted himself in their cause; Stanley seconded Peel's efforts. But neither Stanley's eloquence nor Peel's arguments affected the result. The ministerial proposals were carried by 295 votes to 233,[2] and a committee was duly appointed. So far as the past was concerned nothing material came of the appointment of the committee. Nothing, indeed, was likely to come of it. The House, acting on the recommendation of the Government, refused to place Harvey upon the committee,[3] which, after an elaborate inquiry, only struck £3400, or about 2 per cent. on the whole amount, off the pension list. So far as the future was concerned, however, much advantage was derived from the discussions which took place. The Civil List Committee, instead of recommending that the pensions should be limited to £75,000, suggested that the Crown should have only the right of granting £1200 annually in pensions. On the motion of Peel the savings of one year were allowed to be granted in a succeeding year;[4] but, with

1 *Ann. Reg.*, 1837, Hist., p. 404. For Harvey's argument see *Hansard*, vol. xxxix. p. 908.
2 Ibid., p. 933.
3 Ibid., p. 1273.
4 Ibid., p. 1321.

this exception, the principle which was thus laid down was adopted. The power of the Crown was limited to an extent which made any abuse of its functions difficult; and the pensions on the Civil List were made so insignificant as almost to escape notice.

There was one other subject connected with the Civil List which excited a good deal of attention. In addition to the hereditary revenues, which were technically the property of the Crown, the royal family enjoyed the large incomes which attached to the Duchies of Lancaster and Cornwall. These incomes were supposed in 1837 to amount to £50,000 a year.[1] The income of the Duchy of Lancaster was paid into the private purse of the sovereign; the income of the Duchy of Cornwall belonged by law to the eldest son of the king of England. The property belonging to both Duchies was essentially distinct from the private estate of any individual. In the Duchy of Lancaster the estate of every person who died intestate passed to the private purse of the Crown. In both Duchies the maxim, "Nullum tempus occurrit regi," prevented any person acquiring a title against the Crown by prescription. In both Duchies the rule, "The Crown pays no costs," placed every one who had a suit with the Crown at a disadvantage. These circumstances made it clear to every one who took the trouble to reflect upon the matter that there was a broad distinction between the property of an ordinary individual and the estates which the royal family held as Dukes of Cornwall and Lancaster. But no one outside the limits of the Duchies took the trouble to reflect upon the subject; and ministers, anxious for an easy life, thought that they would provoke more opposition by interfering with the property of the Crown than by allowing an abuse of which they were aware to go unremedied.[2] Instead, therefore, of insisting on the Crown surrendering its interest in the Duchies, they simply undertook to improve the management of these estates; and when a private member had the courage to bring the matter before

The Duchies of Lancaster and Cornwall.

[1] *Hansard*, vol. xxxix. p. 1122.

[2] *Melbourne*, vol. ii. p. 238.

the House they stifled debate by the technical objection that the Crown had not signified its consent to the discussion.[1]

The settlement of the Civil List was exceptionally liberal; the appropriation to the Crown of the largely increased revenues of the Duchies made it more than liberal; but the liberality of Parliament was only a symptom of the opinion of the public. The public rightly concluded that it was for the advantage of the nation that the Crown should be provided with an adequate revenue for the liberal support of its dignity, and that it was wiser and better that the sovereign of a wealthy nation should be a little too rich than a little too poor. It was the misfortune of the public that its advisers forgot at the same time to impress upon their minds the obvious facts that liberal arrangements, if they are to be permanently popular, should be above suspicion; and that revenues which were exceptionally public, both in their origin and in their nature, should not be dealt with as private property.

[1] *Hansard*, vol. xxxix. p. 1131.

CHAPTER XV.

THE DECLINE AND FALL OF THE WHIGS.

THE greater portion of this history has hitherto been occupied with the domestic concerns of the British people, and the narrative has been only occasionally interrupted to trace the relations of Britain with other nations. While, however, in Britain itself the upper and middle classes were enjoying "the wealth and peace" which were the objects of their weekly prayers, other Britains were arising in other parts of the globe, formed by new men, full of new ideas, indisposed to accept the views of government which had brought the mother country to the verge of revolution. On the other side of the Atlantic was a group of colonies, inhabited by a sparse population, and adjoining the Great Republic which owed its origin to the revolt of its inhabitants from the arbitrary measures of a British Ministry. The Canadian colonists naturally derived encouragement and instruction from the successful example of a neighbouring democracy. In the United States, rich and poor, gentle and simple, were all equal in the eyes of the law. Every man of full age had his share in the government of his country; and the democracy, which was thus established, instead of proving the weak and incapable machine which the advocates of autocracy declared all democracies to be, was continually gaining strength and increasing in influence.

Canada.

The two Canadas were the principal colonies in North America. They had been originally won for the Crown of Britain by Wolfe's victory at Quebec. At the time of their acquisition the population was small, and the greater part of the inhabitants were French. Throughout the American war

it was the policy of the British Government to continue to the Canadians the institutions which they had received from France. In consequence, Canada, governed on French ideas, took no part with the Americans; and the war which deprived Britain of the vast territory which the United States now occupy did not wrest from her a single acre of Canadian soil. After the conclusion of the war, however, a British colony could not be permanently left under the system of government which France had applied to it. Men with British blood in their veins were seeking their fortunes in North America, and French institutions were as strange to these men as the French language. It was decided to grant a constitution to Canada, and, in doing so, to endeavour to separate the two races. The French were entirely settled in Eastern or Lower Canada. The British settlers usually passed through the lower province into the extensive tract of fertile and unoccupied country in the west. Separate constitutions were accordingly granted to Upper and Lower Canada, but in both provinces the Government was modelled on the institutions of the mother country. An exact copy of the British Constitution could not, indeed, be applied to a young colony. It was doubtless easy to make the House of Assembly a mock House of Commons; to make the Governor a mock monarch; and to surround him with an Executive Council corresponding with the Cabinet. But a British minister, in the last century, could not understand a constitution which did not comprise some equivalent to a House of Lords. Pitt's Ministry, in 1791, in granting constitutions to the two Canadas, decided accordingly on appointing in each of them a Legislative Council nominated by the Crown. The members of the Council were addressed as "Honourable" gentlemen, to distinguish them from the "gentlemen" of the House of Assembly.

The Constitution of 1791.

Both in Upper as well as in Lower Canada the constitutions which were thus granted failed to work smoothly. But the difficulties which at once arose wore distinct shapes in the two provinces. In Upper Canada the members of the Legis-

lative Council and the members of the House of Assembly were all drawn from the British settlers. On most subjects the two Houses were agreed: they were agreed in finding fault with the Executive Council. The Executive Council resembled the permanent heads rather than the parliamentary chieftains of the public departments in England. Except on specified questions the Governor did not always ask the advice of its members; he did not always feel himself bound to act on it; he considered that he was responsible for the good government of the colony, and that his responsibility was to the king in England, and not to the people of Canada. The decision of the Legislative Council and of the House of Assembly could be set aside by the decision of the Governor; and, except by taking the extreme step of stopping the supplies, the House of Assembly had no power to interfere. If the clock kept time, so much the better. If it went wrong, there was no choice between leaving it alone and stopping the whole machinery. The inhabitants of Upper Canada, therefore, naturally insisted that the Executive Council should be made responsible to the Provincial Legislature. They were wisely, though unconsciously, demanding the extension of what the author of "Coningsby" would have called the Venetian Constitution to Upper Canada.[1]

The grievances of Upper Canada.

The responsibility of the Executive Council was the chief question which agitated the province. But the settlers had other grievances to complain of. In the first place, the administration of the colony was in the hands of a few wealthy families. "The bench, the magistracy, the high offices of the Episcopal Church, and a great part of the legal profession" were filled by their adherents, and, by grant or purchase, they had acquired nearly all the waste lands of the province.[2] In the next place, lax administration had brought the province to financial ruin. It had accumulated

[1] For the functions of the Executive Council see Sir F. Head's addresses, reprinted in the *Ann. Reg.*, 1836, Chron., p. 291.

[2] Lord Durham's Report, Parliamentary Papers, 1839, vol. xvii. p. 53.

a debt of £1,000,000; it only enjoyed a revenue of £60,000 a year; and it was consequently trembling on the verge of bankruptcy.[1] In the third place, the geographical position of the province interfered with its development. Lower Canada blocked its only road to the sea, and subjected every emigrant from the mother country, every bale of goods from the colony, to vexatious impediments. Such were some of the grievances of the primitive settlers in Upper Canada. It is not too much to say that not one in every hundred persons in the British Legislature attempted even to understand them.

The grievances of Lower Canada.

Lower Canada had grievances of another character. Descended from the original French settlers, its inhabitants led the happy, easy, and unambitious existence which Longfellow has described other French colonists enjoying in "Acadie, home of the happy." They had brought with them from France the same "central, ill-organised, unimproving, and repressive despotism" which they had left behind them in their own country; and, free from the contagion of revolutionary principles, they remained "an old and stationary society in a new and progressive world." By degrees emigration introduced a few English settlers among these contented and unambitious people. The first British immigrants were quickly followed by others. Active, amidst the inactivity around them, they soon absorbed the entire wholesale, and a large portion of the retail, trade of the province. They purchased vast tracts of land; and the unhappy Frenchmen saw that, in the struggle for existence, they were being gradually crushed out by the new incomers.[2]

In other circumstances the two nations might possibly have blended. Unhappily, British and French settlers showed no disposition to blend. They spoke distinct languages; they read distinct books; they purchased distinct newspapers; they sent their children to distinct schools; they frequented distinct hotels; they placed their money in distinct banks;

[1] Lord Durham's Report, p. 68.

[2] Ibid., pp. 12–14.

and they even competed at agricultural associations for distinct prizes.[1] Within the narrow limits of one colony there were thus collected two races, whose representatives seldom or ever met in society; whose leading spokesmen refused to combine for even common objects; and who each regarded every public question from an exclusive standpoint. Numerically the French had the advantage: in everything but numbers the British settlers enjoyed a superiority over their opponents; while, as the British were constantly increasing and the French were stationary, the single advantage which the French enjoyed was being continually lessened.

It was natural that the British settlers in the colony should object to the institutions which had been established in it in 1791. They brought with them from England the free ideas of the nineteenth century; and they found a colony submitting to a system which France had discarded in 1789. They continually agitated for the application of English principles to the dependency; and they succeeded in obtaining two Acts—the Canada Trade Act and the Canada Tenures Act[2]—which placed the newly-settled land of the colony under English law. The success which they thus achieved alarmed the unprogressive racé among whom they had settled. The French colonists, possessing a superiority in numbers, could, of course, command a majority in the House of Assembly. Slowly appreciating the advantage which this circumstance gave to them, they filled the Lower House of the Legislature with their own representatives. Successive Governors, frightened at the determination of the French to control the Government, took the precaution of filling the Legislative Council with the representatives of British settlers. The Government of the colony was thus conducted on the principle of using opposite forces. The Lower House of the Legislature was almost exclusively French, the Upper House exclusively British. It resulted that, while, in Upper Canada, both Houses of the Legislature were intent on making

[1] Lord Durham's Report, pp. 15, 17.
[2] 3rd George IV. c. 119; 6th George IV. c. 59.

the Executive Council responsible to themselves, the majority of the Lower Canadians were desirous to reform the Legislative Council.

Excuses for reform were, unluckily, furnished by the conduct of the British authorities. One hundred years ago a British colony was regarded by the governing classes at home as a convenient provision for persons who were well born. The whole of the minerals in Cape Breton, for instance, were lavishly granted to the Duke of York, and assigned by the Duke to his numerous creditors.[1] A grant of this character, of course, did little good to prince or creditors; but it seriously interfered with the development of the colony. Royal Dukes were not, however, the only favoured persons. The Church had been granted one-seventh of all the land in Canada; the Crown retained another seventh of the land in its own hands. Church land and Crown land were usually unreclaimed. The rest of the land was commonly granted to wealthy jobbers; and a single land company had been given a huge portion of the waste lands of Lower Canada for a sum of £120,000. This system, of course, interfered with the development of the colony. Emigrants hesitated to clear a little patch of soil, when they knew that their settlement would be surrounded by forest, and that there would be no one to help them make roads or to assist in opening up the country. In consequence most emigrants crossed the border and entered the territory of the United States. The statesmen of the Great Republic had too much wisdom to parcel out their soil among Churchmen, Princes, and Companies. They assigned the land to the people who settled on it; and, as a result, the land in every case was carefully cultivated. "On the American side of the frontier all is activity and bustle; on the British side, with the exception of a few favoured spots, all is waste and desolate. It may perhaps be supposed," added the report from which this description is taken, "that the American side

The land question in the Canadas.

1 *Hansard*, vol. xlviii. p. 895. Tories like Inglis defended even this gross abuse. Ibid., p. 914. Cf. ibid., vol. lii. p. 6.

is of very superior natural fertility." Inquiry soon disposed of the illusion. "Superior natural fertility belongs to the British territory."[1]

The mistaken policy of the Land Department of the Canadas would almost have justified rebellion. Error, however, was not confined to the Land Department. The estates, which the Jesuits had originally held, were assigned by the British Government for purposes of education. Tory statesmen saw no harm in dealing with the property of a Roman Catholic Church in Canada, on principles which they were shocked to think that their adversaries wished to apply to the property of a Protestant Church in Ireland. It would have been well, indeed, for the reputation of British statesmen if they had carried out this arrangement. But successive Governors, instead of devoting the funds of these estates to the purposes of education, made them supply a species of secret service fund.[2] They declined to attend to the remonstrances of the Provincial Legislature and continued their misappropriations. They perhaps thought that the growing boldness of the House of Assembly made a secret service fund more than ever necessary. It was not, indeed, until some years after the commencement of the nineteenth century that the House of Assembly of Lower Canada learned its power and resolved on exerting it.[3] It could only use its full strength by insisting on maintaining a complete control over the expenditure of the colony.

The struggle between the House of Assembly and the Crown.

The revenues of Lower Canada were divisible into three classes. The first consisted of certain duties imposed on the colony by an Act of 1774,[4] in place of those which had existed at the time of the conquest. The second was composed of duties, subsequently imposed by the colonists themselves, which an Act of 1778[5] had placed under the control of the Provincial Legislature. The third comprised the casual, territorial, and hereditary revenues of the Crown, and

[1] Lord Durham's Report, Parliamentary Papers, 1839, vol. xvii. pp. 75, 76.
[2] Parliamentary Papers, 1839, vol. xvii. p. 49. [3] Ibid., p. 28.
[4] 14th George III. c. 88. [5] 18th George III. c. 12.

depended mainly on the receipts from the sale of land and other similar sources. There was no doubt that the Act of 1778 had placed the revenue of the colony, granted after the date of it, under the control of the Provincial Legislature. The Canadians, however, contended that the Act of 1778 ought to be interpreted retrospectively, and that the entire revenues of the colony should be placed under their own control. The British ministers of the earlier portion of the present century were too much occupied with the affairs of Europe to pay much heed to the wishes of Canada. From 1810 to 1828 the colony vainly urged its claims. At last, in 1828, a petition signed by 87,000 inhabitants of Lower Canada was referred to a commitee of the House of Commons. The committee, swayed by the advice of Huskisson, took the side of the colonists;[1] and Parliament, in 1831, was induced to pass an Act placing the revenues which existed in 1774 at the disposal of the colony.[2]

This concession, if it had been made a few years before, would probably have restored peace between the mother country and the colony. In 1831 Lower Canada was not pacified by it. The House of Assembly, animated by its victory, demanded the further surrender of the hereditary revenues; it demanded the repeal of the Tenure Act; and it insisted on the disestablishment of the Land Company. In the contest, which thus arose between the mother country and the colony, the Legislative Council sided with the Crown. The Legislative Council, composed of British settlers, chosen by the Governor, could hardly have been expected to do otherwise. The House of Assembly, however, saw that its own efforts were frustrated by the attitude of the Legislative Council, and demanded that the Legislative Council should be made elective. This demand—the most serious which had yet been urged—would never have been raised if the ministry had, in the first instance, dealt promptly with the demands of the Canadians. Raised at last, it seemed one

1 Parliamentary Papers, Session 1828, vol. vii. p. 375.
2 1st & 2nd William IV. c. 23.

which it was impossible to concede. The Legislative Council represented the interests of the British immigrants, while the House of Assembly reflected the opinions of the French colonists. A British minister could hardly sacrifice the growing British population for the sake of complying with the wishes of the descendants of French settlers. Instead, therefore, of assenting to the demand of the House of Assembly, the ministers doubted the prudence of the course which they had pursued in 1831; and Stanley, who had succeeded Goderich at the Colonial Office, desired to repeal the Act, which had placed nearly all the revenues of the colony at the disposal of the Colonial Assembly.

The colonial party in Lower Canada was led by Papineau, a Canadian of French extraction, and a man of ability and decision. Papineau saw clearly that the French party in the colony was superior to its opponents in numbers; he saw, also, that the minority was becoming every year more formidable. Time, therefore, in Papineau's judgment, was on the side of Britain, and the interest of the colony demanded that the measures which it was intended to take should be taken precipitately. Papineau himself desired to sever the connection of the colony with the mother country, and to constitute Lower Canada into an independent State. The House of Assembly was hardly prepared to adopt the extreme advice of its bold leader. It satisfied itself with the milder expedient of stopping the supplies. From the 31st of October 1832 no provision was made for the administration of justice or for the support of the civil government in the colony. The public officers were left unpaid. The arrears due to these persons amounted, on the 10th of April 1837, to £142,160.[1]

The House of Assembly stops the supplies.

Efforts, indeed, were constantly made in the interval to terminate the deadlock which had thus arisen in the government. In Lower Canada the House of Assembly passed a

[1] The two sides of the Canadian question are well stated by Russell, in *Hansard*, vol. xxxvi. p. 1287; and Roebuck, ibid., p. 1335. See, *passim*, the whole debate; and cf. Glenelg's speech, *Hansard*, vol. xxxviii. p. 707, as well as the Parliamentary Papers already quoted.

series of ninety-two resolutions,[1] enumerating their grievances and asking for redress. In England, Roebuck persuaded the House of Commons to appoint a committee to investigate the claims of the colonists.[2] Little, however, resulted from the representations of the Canadians or from the deliberations of the committee. Whigs and Tories in England took a much more immediate interest in the crises which were destroying the Whig Ministry than in the agony of a distant colony; and the affairs of Canada were still unsettled when Peel succeeded Melbourne, and Aberdeen was appointed to the Colonial Office. Amidst the numerous subjects which engaged his attention Peel did not neglect the troubles of the Canadians. He decided on sending the late Speaker of the House of Commons, who had been created Lord Canterbury, to Canada, with power to inquire into and redress the grievances of the colonists. A politician who, though he was a Tory, had presided over the deliberations of the House of Commons for seventeen years, who had been originally nominated to the chair by Liverpool, and whose appointment had been renewed by Grey, seemed admirably qualified to settle a disputed question. Canterbury, in the first instance, accepted the distinguished post;[3] a little consideration, however, induced him to recall his decision. Peel's Government was weak. Canterbury could hardly expect that the Whig Ministry would adopt the policy of its opponents; and he feared that ill-natured people might take the opportunity of saying ill-natured things about Lady Canterbury, whose antecedents hardly qualified her to play the queen in Canada.[4] These reasons induced him to refuse the honour which had been offered to him; and Peel, in consequence, decided to entrust the arbitration to Lord Amherst.[5] It was hoped that an amiable nobleman, animated by the best inten-

Peel wishes to send out a commissioner to inquire into and redress grievances.

[1] Parl. Papers, 1836, vol. xxxix. p. 172.
[2] *Hansard*, vol. xxii. p. 767.
[3] Ibid., vol. xxvi. p. 1133.
[4] *Greville*, vol. iii. p. 234.
[5] It had been offered first to Stratford Canning. For Lord Amherst's appointment see *Hansard*, vol. xxvii. p. 836.

tions, might succeed in infusing peace into the quarrels of a distracted colony.

The experiment which Peel intended to make was not carried out. His ministry fell, and the Whigs had necessarily to consider whether they should adopt his Canadian policy. Melbourne and Glenelg hesitated to entrust so important a duty to a single person. Instead of confiding the task to one man, they decided on naming three commissioners, with power to investigate, without redressing, the grievances of the colonists. They decided at the same time to recall Lord Aylmer, the Governor of Lower Canada, and Sir John Colborne, the Lieutenant-Governor of the Upper Province. Amherst naturally resented the alteration in his powers, and declined the mission;[1] and the ministers thereupon made the Earl of Gosford, a neutral nobleman, Governor of Lower Canada and president of the commissioners, and Francis Head, a young officer who had served as a Poor Law Commissioner, Lieutenant-Governor of the Upper Province.[2] They associated with Gosford Sir Charles Grey, who had been Chief-Justice of Bengal, and Sir George Gipps, a military officer. The commission which was thus constituted did not seem very well calculated to compose the differences which had arisen. Gipps had "a leaning towards liberality;" Grey was "a high Tory;" and Gosford had to mediate between what adverse critics called the snarling Whig and the arrogant Tory.[3] It was almost certain that differences would arise between Gipps and Grey. Differences were made unavoidable by the conduct of the king. William IV. chose to tell Grey, in the presence of his ministers, that he was to assert the prerogative of the Crown, which persons who ought to have known better had dared to deny, and that he was to recollect that Lower Canada had been conquered by the sword. A week afterwards the king followed up his speech to Grey by a still more unwise address to Gosford. "I will never consent," he said, with an oath, "to alienate

The Whig Ministry appoint three commissioners.

[1] *Hansard*, vol. xxviii. p. 723. [2] *Ann. Reg.*, 1836, Hist., p. 313.
[3] The language is Mr. Roebuck's. Cf. *Hansard*, vol. xxxvi. p. 1344.

the Crown lands, nor to make the Council elective. Mind me, my lord, the Cabinet is not my Cabinet. They had better take care, or by —— I will have them impeached."[1] If Melbourne had felt any respect for his own character he would have insisted on the king's withdrawing his ill-advised declarations. Instead of doing so Glenelg and he softened the formal instructions which were issued to the commissioners, for the sake of pacifying their sovereign. The constitution of the Legislative Council was the main grievance of Lower Canada; and the constitution of the Legislative Council was the one thing which the king was determined not to alter. "The king"—so the instructions to the commissioners ran—"is most unwilling to admit as open to debate the question whether one of the vital principles of the provincial government should undergo alteration." His Majesty, indeed, could not "forget that it is the admitted right of all his subjects to prefer to him, as king of these realms, their petitions for the redress of any real or supposed grievances. The acknowledgment of that right appears to the king to imply on his own part the corresponding duty of investigating the foundations of every such complaint. His Majesty, therefore, will not absolutely close the avenue to inquiry, even on a question respecting which he is bound to declare that he can for the present perceive no reasonable ground of doubt. . . . The king is rather induced to adopt this course because his Majesty is not prepared to deny . . . that the plan upon which the Legislative Council is constituted may possibly in some particulars be usefully modified, or that some practical errors may have been committed by the Council, against the repetition of which adequate security ought to be taken. Yet, if these suppositions should be completely verified, it would remain to be shown by the most conclusive and circumstantial proof that it is necessary to advance to a change so vital as that which is demanded by the House of Assembly."[2] Such language as

William IV.'s intemperate speech to Gosford and Grey.

[1] For the speech to Grey see *Greville*, vol. iii. p. 272; for that to Gosford, *Edinburgh Review*, vol. cxxxiii. p. 319.

[2] Parliamentary Papers, 1836, vol. xxxix. p. 13.

this might almost have been dictated by a Metternich or an Alexander: it was not adopted by William IV. without a severe struggle.[1]

History was, in fact, repeating itself. Half a century before, the conduct of a British Ministry and the obstinacy of George III. had deprived the country of its noblest colony. The obstinacy of William IV. and the weakness of the Whig Ministry were imperilling the connection between the mother country and her remaining possessions in North America. The difficult task which had been entrusted to Gosford and Head was made more difficult by the conduct of the monarch and his advisers. Gosford, on arriving in Canada, did not venture to publish the instructions which he had received from the Government; he contented himself with describing them as liberal, and in paying marked attention to the Colonial Reformers. He begged the House of Assembly to provide for the arrears of pay which were due to the public officers; and to trust to the results of inquiries which he and his brother commissioners were making. It is possible that if Gosford had been alone in Canada he might have succeeded in obtaining the supplies of which his Government was in urgent need. While, however, he was endeavouring to humour the House of Assembly of Lower Canada, Head arrived in the Upper Province, published his own instructions, and annexed, in an appendix to them, extracts from the instructions to Gosford. Head's frank conduct brought matters to an issue. In Upper Canada the Executive Council remonstrated against the conduct of the Governor; the House of Assembly sided with the Council; and the Governor, exercising his prerogative, dissolved the Legislature.[2] In Lower Canada the reformers, learning for the first time the real nature of the instructions which Gosford had brought out with him, resolved on an address to the Crown, reiterating all their demands, and on only granting a six months' supply.[3] "Respecting as we do the expression of

Lord Gosford in Canada.

[1] *Melbourne*, vol. ii. p. 147.

[2] *Ann. Reg.*, 1836, Hist., pp. 313–317; and Chron., pp. 288–295.

[3] *Ann. Reg.*, 1836, Hist. p. 319; and Chron., p. 301.

the royal pleasure"—so part of the address ran—"we yet regret that the ministers of the Crown should have declared that your Majesty was most unwilling to admit that the question of an elective Legislative Council was a subject open to debate in this province. We beg to be permitted to represent to your Majesty that it is not within the power of the Colonial Secretary to limit the subjects which are to engage the attention of this House. Against this infringement of the liberties of the subject, by one of your Majesty's responsible servants, we dare to appeal to the supreme authority of the empire, to that of your Majesty, sitting in the High Court of Parliament."

The tension in the relations between the mother country and the colonies had been increased by the measures which had been taken to reduce it. In Upper Canada, indeed, the policy of Head was attended with considerable success. The new Assembly was composed of pliant materials, and addressed itself to the ordinary duties of government with diligence.[1] But the difficulties of Upper Canada had never been so great as those which confronted the authorities in the sister colony. There Gosford and his brother commissioners were of opinion that the challenge, which the House of Assembly had practically given, should at once be accepted; that the Act of 1831 should be repealed; and that the control of a great portion of the colonial revenues should be thus taken out of the hands of the House of Assembly. The Whig ministers hesitated to adopt the advice which they thus received from their commissioners. Their hesitation was increased by the circumstance that the House of Assembly had not definitely refused supplies, but had granted the supplies which they had voted for only a short period. Instead, therefore, of resorting to repression, the Cabinet again decided to resort to measures of conciliation. Glenelg, on the 7th of June 1836, was instructed to reply to the remonstrance of the House of Assembly, and to explain away the impression which had been

Glenelg's explanatory despatch.

[1] *Ann Reg.*, 1836, Chron., pp. 295–300; and ibid., 1837, Hist., pp. 241–245.

produced by the publication of extracts from Gosford's instructions. The extracts, it was pretended, only imperfectly represented the real meaning of the instructions. The instructions, it was argued, gave the commissioners full power to inquire into every subject connected with the colony and its government which was brought under their notice; and the hesitation of his Majesty to admit the necessity of any change in the constitution of the Legislative Council was construed as an intimation that there should be "two distinct and independent Houses of Legislature."[1] Such a declaration, frankly offered in 1835, might possibly have averted the danger of civil war. Forced from the ministry in 1836, it only emphasised the error of its policy.

Glenelg's conciliatory despatch did not terminate the crisis. The House of Assembly, on receiving it, resolved that it was still its duty, as well as for the advantage of the people, to persist in its demands. "The correction of abuses and the redress of grievances ought to precede the grant of a supply; and, therefore, the House still felt itself compelled to adjourn its deliberations until his Majesty's Government shall by its acts, especially by rendering the second branch of the Legislature conformable to the wishes and wants of the people, have commenced the great work of justice and reform, and created a confidence which can alone crown it with success."[2]

The House of Assembly of Lower Canada refuses to give way.

It was impossible to misunderstand the meaning of this address. It was drawn up—so thought Glenelg—"in a tone of menace and defiance which left no doubt as to the feeling and determination of the body from which it emanated."[3] It was true that the contest in which Lower Canada was engaged was in many respects similar to the memorable struggle which the English Parliament had maintained with the Crown a century and a half before. The House of Assembly was only asserting the right of the colony to self-government, and to the complete control

[1] See Lord Glenelg's speech, *Hansard*, vol. xxxviii. p. 707; and cf. his despatch, in *Ann. Reg.*, 1836, Chron., p. 306.

[2] The address is printed in *Ann Reg.*, 1836, Chron., pp. 309–315.

[3] *Hansard*, vol. xxxviii. p. 719.

of its own finances; and Papineau was only playing in Canada the part which an Eliot or a Hampden had played in England. These truths were not appreciated by politicians like Glenelg, who fancied that the whole art of government was contained in the dusty pigeon-holes of Downing Street. Nothing but concession could avert the civil war which was obviously preparing, and the Whig Ministry had entered on a drift which made it difficult to concede anything. On the 6th of March 1837 Russell asked the House of Commons to adopt a series of resolutions reciting the difficulties which had arisen; declaring that it was inexpedient to make the Legislative Council elective; that it was necessary to retain the rights of the Land Company; and authorising the Receiver-General of the colony to apply any balances in his hands arising from his Majesty's hereditary, territorial, and casual revenues to the payment of the arrears due for the support of the civil government of the colony.[1]

Russell's resolutions excited a good deal of debate. The Radicals declared that the question in Canada was identical with the question in Ireland; that the Canadians were only claiming the privileges of self-government which the Whigs were themselves endeavouring to obtain for Irish municipalities; and put up Leader, the member for Bridgewater, to move an amendment affirming the expediency of making the Legislative Council elective.[2] The reputation of the politician who led the Opposition on this occasion has not survived his active career in Parliament. In 1837 he was universally recognised as one of the most energetic of the English Radicals. His efforts were seconded by those of a more interested advocate. Roebuck had, some months before, accepted the position of paid agent to the Canadians. His position in the House of Commons became in consequence the object of suspicion; and in 1836 the House was

Russell's resolutions.

1 *Hansard*, vol. xxxvi. pp. 1287, 1305. Russell thoroughly disliked the policy which he felt himself bound to defend. Writing in October 1838 to Melbourne, he said, "I never felt in such embarrassment as when last year I had to defend the Canada papers." *Life of Lord J. Russell*, vol. i. p. 308.

2 *Hansard*, vol. xxxvi. pp. 1306, 1314.

asked to affirm that it was contrary to its independence, a breach of its privileges, and derogatory to its character for any of its members to become the paid advocate of any portion of his Majesty's subjects.[1] The House declined to enforce against Roebuck a rule which it had not applied either to Burke or to Huskisson, and Roebuck was consequently permitted to continue the paid advocate of the Canadians. All that eloquence could do Roebuck did for his clients. But his efforts were useless against the compact body of the Whigs assisted by the whole strength of the Tory party. Leader's amendment was rejected, after two nights' debate, by 318 votes to 56;[2] and the first four of Russell's resolutions were carried after repeated divisions.[3] In passing them the House definitely committed itself to the opinion that it was inexpedient to make the Legislative Council of Canada an elective body.

The Radicals, however, did not abandon the struggle. On the 14th of April they endeavoured, in a debate on the fifth resolution, to procure the abolition of the Legislative Council, and were beaten by 269 votes to 46.[4] On the 21st of April the resolutions affirming the rights of the Land Company were carried by 166 votes to 6,[5] and three days afterwards the other resolutions were adopted.[6] On the 1st of May they were communicated, in a conference, to the Lords.[7] The Lords were not likely to resist a proceeding which insisted on the prerogative of the Crown and enforced the rights of an Upper Chamber. Brougham alone raised his voice and lodged his protest against the policy of the ministry. His solitary remonstrance excited no attention. The Lords at once adopted the resolutions which the Commons had already passed;[8] and the decision of the Legislature was formally communicated to Gosford. On his part Gosford at once summoned the Provincial Parliament: he laid the resolu-

The resolutions carried.

[1] *Hansard*, vol. xxxiv. pp. 1107, 1111. The motion, which was made by Sir John Hammer, was rejected by 178 votes to 67. Ibid., p. 1117.
[2] Ibid., vol. xxxvii. p. 138. [3] Ibid., p. 144. [4] Ibid., p. 1290.
[5] Ibid., p. 216. [6] Ibid., vol. xxxviii. p. 250. [7] Ibid., p. 405.
[8] Ibid., pp. 731, 748.

tions of the British Legislature before it; and he added that, if the House of Assembly would only grant a supply, he was instructed to refrain from exercising the powers with which the Imperial Parliament had vested him for discharging the arrears of pay due to the servants of the colony.[1]

Gosford had met the House of Assembly with a threat and a bribe. The bribe proved the weakness of the threat: the threat deprived the bribe of its value. The House of Assembly, instead of yielding, declared it to be its duty to tell the mother country that, "if she carries the spirit of these resolutions into effect, her supremacy will no longer depend on the feelings of affection, of duty, and of material interest, which would best secure it, but on physical force." On the 27th of August, Gosford, alarmed at the language which he had provoked, dissolved the Assembly. Its dissolution proved that the Canadians shared the feelings of their representatives. Meetings had already been held throughout the province, at which resolutions, denouncing the use of British goods, and encouraging smuggling across the American frontier, had been carried. These meetings became more formidable after the dissolution of the House of Assembly. Riots occurred; the troops were called out; and the colony assumed the appearance of open war.

Lower Canada was visibly preparing for revolt. It was doubtful whether Upper Canada would join the sister colony. There were many discontented spirits among the Upper Canadians, who were notoriously ready to sympathise with, and assist, the efforts of Papineau. In the circumstances most men would have endeavoured to strengthen their position. Head, on the contrary, with the true genius of a ruler, placed the whole of the troops in the colony at Gosford's disposal, and threw himself for protection on the militia and citizens of the province. His wise boldness was based on the opinion that victory in civil war must eventually declare itself in favour of moral and not of physical preponderance. The result fully

Rebellion in Canada.

Head in Upper Canada.

[1] Lord Gosford's address is reprinted in *Ann. Reg.*, 1837, Chron., p. 299.

justified his confidence, and ought to have obtained for him the warm approval of his employers at home. The officials, however, who regulated the Colonial Office could not understand a policy which was both eccentric and novel, and suffered Head to retire from his office. He was succeeded by Colonel Sir G. Arthur.

News of the troubles obviously preparing in Canada arrived in this country in the autumn of 1837. It so happened that the new Parliament, elected after the queen's accession, had been summoned for an autumn session to make the necessary provision for the Civil List of the new sovereign. It had been intended that it should separate on the 22nd of December for a six weeks' holiday. On the eve of its adjournment reports appeared in the public newspapers of more formidable disturbances in the colony than had previously occurred. It was stated that British troops had been brought into conflict with the colonists, and that the troops had been worsted in the contest. Unable to contradict these reports, reluctant to confirm them, ministers only ventured to adjourn the Legislature till the 16th of January, and even this adjournment was not conceded without serious debate. The Radicals naturally declared that the troubles which had arisen were due to the resolutions which they had themselves vigorously opposed. Angry at the rejection of their own advice, they made the mistake, which the British people never forgives, of praying for the discomfiture of the British arms. "If unhappily a war does ensue," said one of them,[1] "may speedy victory crown the efforts of the Canadians, and may the curses and execrations of the indignant people of this empire alight upon the heads of those ministers who, by their misgovernment, ignorance, and imprudence, involve us in the calamities of civil discord, and expend our national resources in an unholy struggle against liberty."

The struggle, however, did not prove very serious. The British troops, under the command of Colborne and Wetherall, were able to obtain an easy victory over the insurgents.

[1] Sir W. Molesworth. *Hansard*, vol. xxxix. p. 1467.

Papineau himself retired to the United States; and within a month after the first outbreak of hostilities the contest was closed. But the war embittered the feeling of the French Canadians against the mother country, and produced a serious difficulty with the United States, where many people sympathised with the insurrection of the Canadians.[1] Exceptional measures were evidently necessary. On Parliament reassembling, Russell told the House of Commons that the ministry had decided to suspend the Constitution of Lower Canada for three years; to send out Durham to Canada; to authorise him, in concert with any five of his Council, to pass laws; and to empower him to summon three members of the Legislative Council, and ten members of the House of Assembly of each of the Canadas, to deliberate on the affairs of the two provinces.[2] The proposal was resisted by the Radicals, who endeavoured to throw the responsibility of the insurrection on the Government.[3] The Conservatives, in their turn, taunted the Radicals with encouraging the insurgents by their language.[4] A few men endeavoured to resist a measure which suspended the autonomy of a great colony: the great majority saw that, in the presence of revolt, exceptional powers were inevitable. Notwithstanding the arguments of Hume, Leader, and Molesworth, and the efforts of Roebuck, who, as agent for the Canadians, was heard at the Bar,[5] the House of Commons adopted the resolutions which the ministry suggested, and resolved itself into a committee on the bill which they introduced to give effect to them by 262 votes to 16.[6]

The ministry send Durham to Canada.

The success which was thus secured was only temporary. The preamble of the bill, as it was originally drawn, recited the proceedings which Durham had been instructed to take for the purpose of obtaining a deliberative Council on the future of the Canadas. Peel objected that this preamble committed the House to the policy of the ministry, and

[1] The correspondence on this subject will be found in *State Papers*, vol. xxv. p. 917; the President's proclamation in *Ann. Reg.*, 1838, Chron., p. 317.
[2] *Hansard*, vol. xl. p. 7. [3] Ibid., p. 54.
[4] Ibid., p. 80. [5] Ibid., p. 265. [6] Ibid., p. 469.

forced the Government to withdraw it.[1] The bill enabled the queen in council to terminate the law. Peel compelled the Government to abandon this power.[2] The bill enabled the Governor, with the assent of a quorum of his Council, to frame laws for the colony. The Conservatives compelled the ministry to accept an amendment which precluded the Governor from altering any Act either of the United Parliament or of the Colonial Legislature.[3] With these alterations the bill was sent to the Lords. Notwithstanding the vigorous opposition of Brougham it was rapidly passed by them;[4] and Durham, armed with the special powers which Parliament had entrusted to him, set sail for Canada.

Lord Durham's character.

The man who was thus selected to conciliate the Canadians seemed admirably adapted for the difficult task which had been thrust on him. Durham had been the advocate of Radical reform when Radical reform was unpopular; he had been a member of the committee of the Grey Cabinet which had drawn up the first Reform Bill; he was in favour of secret voting; and he had met Brougham's pacific speech at Edinburgh with the memorable rejoinder that he saw with regret "every hour which passes over recognised and unreformed abuses." A politician who thought the Reform Act inadequate; whose appetite for change had not been satiated by the measures of 1832, 1833, and 1834, naturally seemed to the Radicals of 1838 a statesman after their own heart. The praises which they showered on him at the time have been repeated by later writers, and Durham has been made the subject of uncompromising eulogy. Yet few men were less deserving of undiscriminating flattery. His undoubted abilities were rendered useless by a want of tact and judgment; his overbearing temper vented itself on one occasion in a savage attack on his chief and father-in-law,

[1] *Hansard*, vol. xl. pp. 504, 543.
[2] Ibid., p. 549.
[3] Ibid., pp. 590, 596.
[4] Ibid., p. 886. It was in the debates on Canada that Wellington used the phrase, "A great country like this could have no such thing as a little war." Ibid., p. 4. Gleig's *Life of Wellington*, vol. iv. p. 257, reports this: "A great country ought never to make little wars."

Grey; his ambition exposed him on another to a struggle with Palmerston. Such a man was not likely to succeed in a delicate negotiation with discontented colonists. Like many other reformers, Durham was, in fact, a dictator by instinct. His mission to Canada afforded him ample opportunity for displaying his real character. He reached Quebec on the 29th of May. Two days after his arrival he dismissed the Council which his predecessor had appointed,[1] and selected a new Council from among officers of the Government. Four weeks afterwards he selected a special Council of five, consisting of officers attached to his own person, and having no acquaintance with Canadian politics. On the same day he persuaded the Council thus constituted to authorise the transportation to Bermuda of eight Canadians who had participated in the rebellion, and who were in custody; and to direct that Papineau and fourteen others who had left the colony should suffer death in the event of their return to it.[2] A proclamation which accompanied the ordinance proclaimed a general amnesty to all Canadians except these twenty-three.

His proceedings in Canada.

News of these high-handed proceedings reached England in July. Parliament had intended to give the Governor-General an independent and deliberative Council. Durham had composed a Council of his own creatures, and had not even allowed it time for deliberation. Parliament had intended to vest the Governor-General and his Council with power to legislate consistently with the laws of England and Canada; and, in defiance of law, Durham had sentenced unconvicted persons to transportation, and had condemned other persons to suffer death if they ventured to return to Canada. These measures were accompanied, moreover, by a technical blunder. Parliament had given Durham large authority in Canada, but it had not authorised him to exercise any power in Bermuda; yet Durham had sent his prisoners to Bermuda. The Governor

1 *Hansard*, vol. xliii. p. 1220.

2 The ordinance is reprinted in *Ann. Reg.*, 1838, Chron., p. 304. Cf. ibid., Hist., p. 254.

of that colony had the good sense to see that he had no power to detain them, and wrote to Durham begging that they might at once be removed.[1] His remonstrance emphasised Durham's want of judgment, and threw new light on the Governor-General's incapacity for rule.

That incapacity was quickly denounced in Parliament. Sugden, in the House of Commons, declared that Durham had violated the spirit of the Canada Act by confining his special Council to five members. Brougham, in the House of Lords, taking wider ground, objected to Durham's ordinance as an open contravention of the law of England; since it ordered the transportation of unconvicted persons, and enjoined their detention in a colony over which Durham had no power.[2] The ministers at once admitted that the mention of Bermuda was a blunder; they justified the rest of the ordinance by referring to the difficulties with which Durham had been surrounded. Such an excuse did not, of course, pacify Brougham. He was not likely to feel much pity for a ministry which had excluded him from office, or for a politician whose attack upon him in 1834 had prepared the way for his fall. By a singular circumstance he was afforded an opportunity of avenging himself, and of displaying his affection for constitutional principles in doing so. He would have hardly been a man, he certainly would not have been Brougham, if he had neglected the opportunity. Encouraged by the cheers of the Conservatives, and by the feeble reply of his own friends, he followed up his attack by introducing a bill for explaining the Canada Act and "indemnifying those who have issued or acted under a certain ordinance made under the colour" of it. The bill was read a second time on the 9th of August by a considerable majority;[3] and on the following day Melbourne told the Lords that the ministry was prepared to disallow the ordinance, and to accept the indemnity clauses

Attack upon Durham.

[1] *Ann. Reg.*, 1838, Hist., p. 257.

[2] For Sugden's speech see *Hansard*, vol. xliv. p. 820; for Brougham's, ibid., p. 1019.

[3] By 54 to 36. *Hansard*, vol. xliv. p. 1103.

of Brougham's bill.[1] Brougham had the satisfaction of reflecting that he had won a signal victory. In his old age he had the assurance to claim that, by inducing the Legislature to pass the Indemnity Act, he had saved his old opponent from the consequences of his conduct.[2]

Glenelg at once communicated to Durham the disallowance of the ordinance. But Durham had already learned from an American newspaper the proceedings in the Legislature; and at once resolved to retire from a post in which he had incurred the obloquy of his enemies and only received feeble support from his friends. He had the imprudence, in doing so, to appeal from his employers to the Canadians. "From the very commencement of my task," he wrote—while nominally proclaiming the Indemnity Act —"the minutest details of my administration have been exposed to incessant criticism, in a spirit which has evinced an entire ignorance of the state of this country, and of the only mode in which the supremacy of the British Crown can be upheld and exercised. Those who have in the British Legislature systematically depreciated my powers, and the ministers of the Crown by their tacit acquiescence therein, have produced the effect of making it too clear that my authority is inadequate for the emergency which called it into existence. At length the Act of my Government, the first and most important which was brought under the notice of the authorities at home, has been annulled, and the entire policy, of which that Act was a small though essential part, has thus been defeated. . . . How am I to provide against the immediate effects of the disallowance of the ordinance? That ordinance was intimately connected with other measures which remain in unrestricted operation. It was coupled with her Majesty's proclamation of amnesty; and, as I judged it becoming that the extraordinary Legislature of Lower Canada should take upon itself all measures of rigorous precaution, and leave to her Majesty the congenial office of using her

Durham resigns,

[1] *Hansard*, vol. xliv. p. 1127.

[2] *Brougham, Autobiography*, vol. iii. p. 511.

royal prerogative for the sole purpose of pardon and mercy, the proclamation contained an entire amnesty, qualified only by the exceptions specified in the ordinance. The ordinance has been disallowed, and the proclamation is confirmed. Her Majesty having been advised to refuse her consent to the exceptions, the amnesty exists without qualification. No impediment, therefore, exists to the return of the persons who had made the most distinct admission of guilt, or who had been excluded by me from the province, on account of the danger to which its tranquillity would be exposed by their presence, and none can now be adopted without the adoption of measures alike repugnant to my judgment and policy."[1]

Glenelg could hardly pass over in silence the intemperate language of his angry commissioner. Brougham had compelled him to disallow the ordinance. It required no external compulsion to force him to disapprove the proclamation. "Its terms," he wrote, "appear calculated to impair the reverence due to the royal authority, to derogate from the character of the Imperial Legislature, to excite amongst the disaffected hopes of impunity, and to enhance the difficulties with which your lordship's successor will have to contend." In these circumstances, the ministry thought that Durham's continuance in the Government of North America would be attended with no beneficial result.[2] Their thoughts had been anticipated by their heated commissioner. His offensive proclamation had been dated on the 9th of October: on the 1st of November he left Quebec, and reached Plymouth on the 26th of that month. The long sea-voyage had not the effect of cooling his temper. At Devonport and Plymouth he replied to some complimentary addresses by justifying his administration, by congratulating himself on having effaced the remains of a disastrous rebellion, and by complaining that he had been suddenly arrested in a career of complete success. Events were singularly unkind to Durham. While he was making this idle boast at Plymouth the mail was carrying from

and reaches England.

[1] The proclamation is reprinted in *Ann. Reg.*, 1838, Chron., p. 311.
[2] Ibid., Hist, p. 322.

Liverpool the unwelcome news that the rebellion was again renewed. Durham was in consequence obliged to change his tone. Three days afterwards he had the assurance to declare that he had foreseen and warned the ministry of the inevitable renewal of a rebellion which three days before he had boasted that he had effaced.[1]

The rebellion had, in fact, been renewed almost immediately after Durham's departure; and its renewal was accompanied with an organised invasion by American sympathisers from the United States. The invasion and rebellion were, however, suppressed by Sir John Colborne, the commander of the forces in the colony, who on Durham's departure temporarily succeeded to the Government of the province. Martial law was proclaimed; the Habeas Corpus Act was suspended; four persons, who had taken an active part in the disturbances, were executed; twenty-seven others were transported; and order was restored. Colborne, discharging the plain duties of a British officer in a plain way, had stamped out insurrection, and deserved the thanks and congratulations which Durham had the arrogance to claim as the reward of his own administration.

Renewal of the rebellion.

Order had been restored; and it rested with the mother country to remove the causes which had led to disturbance. The task of the ministry in this respect was facilitated by the inquiries which Durham had made. The conduct of the High Commissioner in administering Canada deserved nothing but blame. His skill in devising arrangements for its future administration deserved nothing but praise. In the active duties of administration Durham had permitted his passion to pervert his judgment; in the calm quiet of his study his discretion had not been warped by his temper; and the same statesman who proved himself incapacitated for rule produced a report which guided the policy of all his successors. In Durham's judgment the evils to which Canada was a prey could best be cured by uniting all or some of the North American provinces under one Legislature,

The union of the Canadas.

[1] *Ann. Reg.*, 1838, Hist., pp. 323, 324.

and by the immediate repeal of the Act of George III. which divided Canada into two provinces. The united Legislature, he suggested, should consist of two Houses—a House of Assembly, with members chosen by each province in proportions to be determined by an independent commission, and a Legislative Council, harmonising with the popular feeling in America. The Legislature which was thus formed was to have complete control over the whole of the revenues of the Crown, excepting those derived from the sale of lands; and every officer in the colony, except the Governor and his secretary, was to be responsible to it alone. It was hoped that these wise recommendations would induce the Canadians to forget their own petty differences in a desire to carry out a broad national policy. The ministry decided on giving effect to, at any rate, some of them. When Parliament opened in 1839, the queen was advised to refer to the troubles which had arisen in the Canadas, and to recommend the present state of those provinces to the serious consideration of the Legislature.[1] Unfortunately, the condition of the ministry was not favourable for the serious consideration of a difficult problem. Three months elapsed before any definite steps were taken by the Government. At last, on the 3rd of May, a message was sent to both Houses recommending the union of the two Canadas into one province.[2] On the very evening on which this message was presented a debate commenced on another colonial question which led to the defeat of the Whig Administration, and to the temporary retirement of the Government. It was only on the 3rd of June[3] that Russell was enabled to ask the Commons to deliberate on the message which the queen had addressed to them on the 3rd of May.

The union is proposed in 1839.

Russell asked the House to commit itself to two resolutions. The first affirmed the expediency of a legislative union between the two Canadas; the second, the necessity of continuing till 1842 special powers which had been entrusted to

[1] *Hansard*, vol. xlv. p. 5. [2] Ibid., vol. xlvii. p. 756.
[3] Ibid., p. 1254.

Durham and his Council. Even these resolutions, however, were not carried. The House of Assembly of Upper Canada warmly protested against Durham's reports and recommendations; and, on the 13th of June, Russell, finding that the proposal was opposed in Canada, and afraid of the power of the Tories at home, withdrew his scheme.[1] A bill for continuing the special powers of the Canada Act was subsequently passed;[2] and no further steps were taken in 1839 to terminate the crisis which had arisen in North America.

The ministry had gained little credit from its Canadian policy. Gosford's commission had failed; Durham had failed; Head had been recalled; and the union of the Canadas had been abandoned in consequence of the opposition of the Canadians. The only man who had acquired any credit from the rebellion was Colborne, and Colborne[3] was rewarded by the Crown with a peerage, and by the country with £2000 a year for three lives, for the part which he had played in suppressing it. The ministry decided on filling the high post which the new peer had temporarily occupied with Poulett Thomson, the President of the Board of Trade. Thomson reached Canada on the 19th of October 1839. He had the prudence to base his administration on the principles which Durham had laid down; he had the dexterity to persuade the Canadians to accept the union which Durham had proposed. The union of the two provinces effected the objects which it was designed to secure. The dissensions of French and English became less perceptible in a larger State. The Canadians, instead of busying themselves about the rival interests of two factions, addressed themselves to a consideration of the affairs of the colony. The British Government surrendered to the Provincial Assembly the complete control over the finances of the colony. In practice it conceded to it complete legislative independence; and Canada, conciliated by the course which was thus pursued by Thomson,

The union carried.

[1] *Hansard*, vol. xlviii. p. 207. [2] Ibid., p. 1213.
[3] Ibid., vol. liii. p. 234.

and which was afterwards followed by Lord Elgin,[1] ceased to trouble the British Government or to agitate for its own independence.

In the meanwhile the ministry, which had gained little credit from its Canadian policy, had not retrieved its reputation by any marked successes at home. The Parliament of 1837 did not materially differ from the Parliament of 1835. The Whigs, with O'Connell's aid, still commanded a small majority. The Conservatives, annoyed at the increasing influence of the Irish, persuaded themselves that the victory of the Repealers in the Irish constituencies had been occasioned by the intimidation of the priesthood, or by the unfair registration of Irish voters, and determined to test the legality of the Irish elections wholesale. Such a course involved a large expenditure, and an association was consequently formed in London to collect subscriptions for the purpose. Mr. Spottiswoode, one of the queen's printers, consented to preside over the society, which from this fact derived its nickname of the "Spottiswoode gang;"[2] and Burdett, with all the zeal of a convert, wrote to the newspapers and asked the public to subscribe to the support of the association.

The Spottiswoode Association.

The election law of Ireland facilitated vexatious petitions. In Ireland the revising barrister was bound to investigate every claim to vote, whether objected to or not. If his decision were favourable to the voter there was no appeal against it to any of the Irish courts. But it was uncertain whether the validity of the vote could be questioned before a Grenville committee. In the case of Carlow three different committees had given three different decisions on this single point. The first had decided that the register should not be opened; the second had decided that the register should be opened; and the third had decided that the register should be partially opened. These conflicting

Election committees.

[1] Mr. Poulett Scrope's life of his brother, Lord Sydenham, and Mr. Walrond's life of Lord Elgin describe with much detail the administrations of these two governors. See especially the former of these works, pp. 107–308, which conveys a high idea of Thomson's administrative ability. For the Union Bill see *Hansard*, vol. liv. pp. 710, 1115.

[2] *Ann. Reg.*, 1837, Hist., p. 387.

decisions had necessarily drawn attention to the constitution of election committees. Their scandalous conduct was also attracting notice; and a committee had been appointed to inquire into the whole system. Charles Buller, the Liberal member for Liskeard, a man whose amiability and wit made him the friend of politicians of every shade of opinion, had presided over the committee, and had devised a scheme for remedying the abuses of which every one complained. Buller proposed to reduce the numbers of each committee from eleven to five, and to place a paid lawyer in the chair. The proposal led to the introduction of an alternative plan by O'Connell. The great Irish agitator wished to transfer the jurisdiction of the Grenville committee to a special jury assisted by five members of Parliament under the presidency of the Chief-Justice of England.[1]

Buller had introduced his bill in the summer of 1837; he reintroduced it in the new Parliament; and its second reading was fixed for the 27th of November. Ostensibly the measure did not apply to existing petitions. There was, therefore, no apparent necessity for dealing with it precipitately. Yet, on both sides of the House, there was an evident anxiety to arrive at some clear decision upon it. Conservatives and Radicals both saw that a slight amendment, introduced into the measure during its passage through committee, would give a retrospective effect to the bill. The Radicals, in consequence, alarmed at the organisation of the "Spottiswoode gang," desired to defer the consideration of the election petitions till after the passage of the bill into law. The Conservatives, on the contrary, desired to postpone the debates on the bill till after the consideration of the election petitions. Russell, urged forward by the Radicals, was induced to declare that, if there was any indication of an intention to take advantage of the law and "set aside any great number of elections that have obviously been fair and legal," the Government would have to consider what it should do.[2] Stanley, on the other

[1] *Ann. Reg.*, 1838, Hist., p. 68; and *Hansard*, vol. xxxix. p. 295.
[2] *Hansard*, vol. xxxix. p. 136.

side, constituting himself the mouthpiece of the Conservatives, met Russell's threat by moving the postponement of the bill till the 12th of February. The motion did not prove of much advantage to the Conservatives. O'Connell abandoned his own alternative to support Buller, and the second reading of Buller's bill was carried by a large majority.[1]

The "Spottiswoode gang" attacked.

Encouraged by the victory which they had achieved, the Liberals decided on attacking the "Spottiswoode gang." The attack was made by Blewitt, the member for Monmouth, a gentleman who had only just attained the distinction of a seat in Parliament. Blewitt had been shocked at learning that his own neighbours in the country had collected a sum of money for the purpose of expelling O'Connell from Parliament.[2] Alarmed at the consequences of this assault on the privileges of the body of which he had just become a member, he announced his intention of moving on the 6th of December a series of five resolutions condemning the institution of the Spottiswoode fund. On that evening, before the debate began, Smith O'Brien, the member for Limerick, presented a petition from himself complaining of the subscriptions, both "upon grounds of public policy" as well as "with reference to his own individual case," and intimated his intention of bringing the subject under the consideration of the House on the following day. The Conservatives endeavoured to prevent the printing of the petition, on the technical ground that it alluded to the conduct of an election which would have to be referred in the ordinary course to an election committee. The Liberals, however, were determined that the petition should be printed, and they enforced their views by a considerable majority.[3]

The victory had been with the Whigs in the division, but in other respects they had little reason to congratulate themselves on the results of the debate. Russell took advantage of it to declare that only sixty-seven election petitions had been presented; that they only exceeded by ten the number

[1] *Hansard*, vol. xxxix. pp. 284–318. [2] Ibid., p. 718.
[3] 234 votes to 203. Ibid., p. 707.

received in 1831; and that "he did not perceive that there was any great cluster of petitions of any one particular kind which would make it clear that there had been any combination in order to present them;" and that he did not, in these circumstances, see any reason for departing from the ordinary course of referring the petitions in the usual way to the customary committees.[1] This intimation took the sting out of Blewitt's motion. Blewitt could not prove that the Spottiswoode Association constituted "a most foul and atrocious aggression upon the freedom of election," when his leader had declared that "he did not think that the number of election petitions in the present year was such as to warrant any extraordinary measures in regard to them." Finding his case hopeless, he withdrew four out of his five resolutions, and the debate ended in an unseemly wrangle, in which the Speaker lost all control over the House; and Blewitt retired without even moving his last resolution.[2] The ridicule which Blewitt had encountered did not deter Smith O'Brien from drawing attention to his own grievances on the following evening. It was obvious, however, from the very commencement of the debate, that the House was determined to ignore them. Harvey endeavoured to induce it to take a middle course, and to refer the matter to a select committee. He was beaten by 389 votes to 91; and the main question was then defeated by 331 votes to 121.[3]

These debates naturally gratified the Tory party. It was obvious that Buller's bill could not possibly apply to existing petitions. The chief reason for bringing it forward was removed, and it was ultimately postponed.[4] But the grievance, of which Smith O'Brien and Blewitt had complained in vain, still rankled in the breasts of Radicals and Repealers. The "Spottiswoode gang" was in existence: to them, at least, its operations and its purse were realities, and they dreaded the consequences of the trials to which many of their number would be exposed by committees whose members notoriously

[1] *Hansard*, vol. xxxix. p. 711.
[2] Ibid., pp. 731, 737.
[3] Ibid., pp. 818, 837.
[4] Ibid., vol. xlii. p. 343.

preferred the claims of their party to the strict requirements of justice. It happened that a dinner was given to O'Connell on the 21st of February at the Crown and Anchor. It was necessary for him to make a speech. In the course of it he said that "what the Irish wanted was a measure which would prevent their being exposed to the machinations of the 'Spottiswoode gang.' Corruption of the worst description existed; and, above all, there was the perjury of the Tory politicians. It was horrible to think that a body of gentlemen—men who ranked high in society, who were themselves the administrators of the law, and who ought, therefore, to be above all suspicion—should be perjuring themselves in the committees of the House of Commons. The time was come when this should be proclaimed boldly. He was ready to be a martyr to justice and truth, but not to false swearing; and therefore he repeated that there was foul perjury in the Tory committees of the House of Commons."[1]

O'Connell's speech at the Crown and Anchor.

O'Connell, after all, had only stated what every one knew. Charles Buller had himself said the same thing in milder language three months before: "None of the parties who came before the election committees had confidence in their honour: quite the contrary; everybody said that an election committee of the House of Commons was the last tribunal where a man could expect justice."[2] There was not much difference between the words of Buller and the words of O'Connell. But the Conservatives liked Buller and hated O'Connell. They could tolerate from the one an insinuation which appeared insupportable when it came from the other. Lord Maidstone, the eldest son of the rash Tory nobleman Lord Winchilsea, who had made himself notorious by his duel with Wellington, decided on bringing O'Connell's language before the House. O'Connell defended himself by declaring that he had only repeated at the Crown and Anchor what every one knew. "Heaven help the man who out of that House, even in the presence of members of the House, would venture to assert that their election committees were impartial

[1] *Hansard*, vol. xli. p. 103. [2] Ibid., vol. xxxix. p. 290.

tribunals, assembled solely to do justice between the parties. Why, such an assertion would be turned into ridicule; the man would be laughed to scorn."[1] The Conservatives had, at any rate, no intention to treat the matter with ridicule. Maidstone at once moved that the speech "was a false and scandalous imputation upon the honour" of the House. Russell, attempting to shield O'Connell, reminded the House that Phillpotts, Bishop of Exeter, a prelate whose conduct on the Bench was almost as intemperate as O'Connell's on the platform, had declared in a pastoral charge two years before that the Whigs "had exhibited treachery aggravated by perjury."[2] The rash *tu quoque* irritated Phillpotts' friends and did not save O'Connell. The House decided that Maidstone's motion should be put by 263 votes to 254.[3] It proceeded to declare O'Connell guilty of a breach of its privileges by 293 votes to 85;[4] it refused on the following day to retrace its steps by 249 votes to 225;[5] it carried the main question, that O'Connell should be reprimanded, by 226 votes to 197.[6] On the first, third, and fourth of these decisions Russell and his colleagues voted in the minority.

On the day after the last of these divisions the Conservatives crowded the House to witness O'Connell's humiliation. They had little cause for congratulation when the scene was over. O'Connell merely made the reprimand an occasion for renewing his statements, and moved for the appointment of a committee to investigate the matter. The most stubborn Tory must have seen the folly of censuring a member for merely telling an unpleasant truth.[7] The folly was, at any rate, plain enough six weeks afterwards. Poulter, the Liberal member for Shaftesbury, was unseated on a

O'Connell is reprimanded.

[1] *Hansard*, vol. xli. p. 107.
[2] Ibid., pp. 118, 145.
[3] Ibid., p. 162.
[4] Ibid., p. 172.
[5] Ibid., p. 218.
[6] Ibid., vol. xli. p. 233.
[7] For the reprimand see ibid., p. 263; for O'Connell's reply, p. 265. Sir E. May implies that the fact that O'Connell was only reprimanded, and not sent to Newgate, was a proof that Parliament was becoming "superior to the irritable sensitiveness which formerly resented a free discussion of its proceedings." *Constitutional History*, vol. i. p. 435. He surely cannot have read the case on which he makes so singular a commentary.

petition. Poulter's case. He explained, in a letter to his constituents, that he was the victim of "an unprincipled combination." The majority of the members of the committee before whom his case came were, he added, "the most corrupt that ever degraded the administration of justice and the name of the Commons of England." Their "ignorance was second only to their corruption." The letter in which these angry passages occurred was published in the *Morning Chronicle* of the 6th of April. It was brought before the House on that evening by Blackstone, the chairman of the unlucky committee; and Poulter was ordered to attend on the following Monday.[1] He at once avowed that he had written the letter, and that it was published on his exclusive authority. He justified it by describing the manner in which he had been treated, and he offered to submit to an independent investigation even by his political enemies.[2] His temperate reply produced a good effect. Poulter had sat in Parliament for some years; he had many friends in the House; and he had never done anything to excite the angry feelings of the Tories. On Charles Wynn's suggestion, the House asked him to retract the expressions which had imputed corruption to the committee. Poulter declared that he was quite ready to admit that the committee had not been guilty of pecuniary or base corruption; but he must continue to say that his seat in Parliament had been taken from him by political motives.[3] This explanation involved the House in a fresh dilemma. On the one hand, Blackstone, as chairman of the committee, declined to accept the explanation as sufficient. On the other, a Liberal member recollected that Sugden, who had been a law officer of the Crown, who had been Chancellor of Ireland in Peel's Ministry, and who was member for Ripon, had admitted in a previous debate that there existed a bias in the minds of the members of the committees.[4] How was it possible to censure Poulter for saying that his seat had been taken from him by political motives when no one proposed

[1] *Hansard*, vol. xlii. pp. 453–465.
[2] Ibid., p. 501.
[3] Ibid., p. 511.
[4] Ibid., p. 513.

to censure Sugden for accusing the committees generally of political bias? The dilemma was so great that the Tories only succeeded in carrying their proposal by 122 votes to 120. The Whigs, encouraged by the narrowness of the majority, ventured on another division. They moved the adjournment of the debate for a week, and carried the motion by 122 votes to 116.[1] Before the week was completed the House had adjourned for the Easter holidays, and the miserable discussion was never renewed.

The Whig Ministry was seriously weakened by these occurrences. In three of the divisions on O'Connell's case, in the first division respecting Poulter, its members had voted in the minority; and the debates had afforded, therefore, unquestionable proof of their waning authority in the House of Commons. In the preceding month Peel had compelled them to recast the Canada Bill. On the evening which preceded that on which O'Connell had been censured the Tories had carried a motion for quicker promotion in the Marines.[2] A few days afterwards a proposed address to the Crown, attributing the events in Canada to "the want of foresight and energy," and to the "ambiguous, dilatory, and irresolute conduct of her Majesty's confidential servants," was lost by only a narrow majority.[3] The Whigs obviously held office on the sufferance of their political opponents: the Conservatives almost openly admitted the possibility of their being called to power. It became the interest of both parties to conclude some arrangement on the subjects which had hitherto divided them. The Liberals could not wish all their Irish measures to be abortive; the Conservatives could not desire to succeed to office while they were still unpassed. From 1834 the Irish Tithe Bill had occupied the attention of Parliament. From 1835 the Irish Municipal Bill had distracted the Legislature; while, in 1837, an Irish Poor Law Bill had been added to these two measures. The dis-

The position of the ministry.

[1] *Hansard*, vol. xlii. pp. 518, 524.
[2] By 100 votes to 87. Ibid., vol. xli. p. 262.
[3] By 316 votes to 287. Ibid., p. 684.

solution, which was the inevitable consequence of a new reign, had afforded a convenient excuse for their temporary abandonment. No such excuse was available in 1838. The ministry had advised the queen, in commending the Irish bills to the Legislature, to say that "the external peace and domestic tranquillity which at present happily prevail are very favourable for the consideration of such measures of reformation and amendment as may be necessary or expedient."[1] What could be more necessary or more expedient than to settle the vexed questions which were distracting Ireland and encumbering the British Legislature?

The Irish Poor Law.

A ministry which was conscious of its own weakness naturally preferred to deal with the Irish Poor Law instead of addressing itself, in the first instance, to the reform of Irish corporations or to the settlement of Irish tithes. On the two last subjects experience had taught it that it had nothing to expect but defeat; on the first subject there was a general desire among all parties to do something. The miserable distress which the Irish were enduring had compelled Althorp, in 1833, to issue a commission to inquire into the condition of the poorer classes.[2] The inquiry was protracted over three years. During the interval three men—Smith O'Brien, the member for Limerick; Poulett Scrope, the member for Stroud; and Sir R. Musgrave, the member for Waterford—all introduced measures for establishing some system of relieving the Irish poor.[3] Peel and Morpeth[4] naturally urged them to wait till the commissioners had reported. The advice was exactly suited to the temper of Parliament. The English newspapers were full of accounts of the sufferings of the poor under the new Poor Law. Impressed by these details, Irish

[1] *Hansard*, vol. xxxix. p. 14. Lord Roden (ibid., p. 212) raised a long debate on this paragraph, with the object of showing that Ireland was not tranquil.

[2] Ibid., vol. xvii. pp. 867, 894.

[3] For Smith O'Brien's bills see ibid., vol. xxvi. p. 1206; and vol. xxxi. p. 1193. For Poulett Scrope's, ibid., vol. xxxi. p. 429; and vol. xxxiii. p. 590. For Sir R. Musgrave's, ibid., vol. xxix. p. 308; and vol. xxxi. p. 226.

[4] Ibid., vol. xxvi. p. 1230; and vol. xxix. p. 315.

patriots doubted whether the introduction of a Poor Law would not increase instead of diminishing the miseries of the Irish. O'Connell himself concluded that the proposed remedy was worse than the disease, and resisted the application of a Poor Law to Ireland.

The report of the Irish Commission

At last, early in 1836, the report of the commissioners appeared. It disclosed a picture of misery which even Irish members had not ventured on anticipating. England, it was said, contained 34,250,000 acres of cultivated soil, tilled by 1,055,982 labourers, who on an average received eight to ten shillings a week in wages, and who produced food of the estimated value of £150,000,000. Ireland contained 14,600,000 cultivated acres, tilled by 1,131,715 labourers, who received two shillings to two shillings and sixpence a week in wages, and who only produced food worth £36,000,000. But the majority of the Irish could not command even these miserable wages. Nearly one-third of the entire population, or 2,385,000 people, were dependent on the produce of the little plots of land which surrounded their wretched cabins. The potatoes which they wrung from the exhausted soil rarely lasted throughout the year, and for thirty weeks in every twelve months the miserable cottiers and their families could not even command an adequate supply of diseased potatoes for their subsistence. Ireland, in the judgment of the commissioners, was one great lazar-house.[1] An eloquent historian, fond of mingling humour with his pathos, nicknamed the wretched Irish peasant the "Sans-potato."[2]

The misery of the Irish produced consequences beyond the limits of Ireland. The Irish poor crossed over in crowds to England: the packet-boats gave them standing-room on their decks for a few pence. They crowded every large town; they rambled over the country; and they offered to take work on any terms on which manufacturer or farmer would give it

[1] See the Third Report of the Irish Poor Law Commissioners, *State Papers*, 1836, vol. xxx. pp. 3–5; and cf. *Hansard*, vol. xxxviii. p. 363.

[2] Mr. Carlyle's *Miscellaneous Essays*, vol. v. p. 346.

them. The English labourer found that he was beaten in the labour market by a stranger who slept in a ditch, who lived on potatoes, and whose tattered garments barely concealed the squalor of his body. When the harvest work for which they came was over the English guardians found themselves compelled to send these labourers back to Ireland. English ratepayers then found that Protestant bigotry imposed unnecessary expense upon them. The law, till 1835, did not recognise a marriage celebrated by a Roman Catholic priest. The Irish poor were universally married by their own pastors. Technically, therefore, all their children born before 1835 were illegitimate; and the parish, up to the date of the new Poor Law, in 1834, was liable for the support of illegitimate children. The English guardian could send back to Ireland the superfluous Irish labourer, but he was bound to support out of the rates his brood of children.[1]

Statesmen were shocked at the picture of misery which the Irish Poor Law Commissioners had disclosed. Poulett Scrope and Smith O'Brien urged the ministry to lose no time in applying some adequate remedy; and Morpeth, speaking as Irish Secretary, promised that there should be as little delay as possible in introducing remedial legislation.[2] The more, however, the Government considered the report of the commissioners, the less they liked the prospect which it afforded to them. The commissioners had refrained from proposing the only possible remedy. They rejected the old system of relief which had been in force in England up to 1834, because they could not ignore the miserable results to which it had led. They rejected the new system which had been introduced into England in 1834, because they fancied that the rate which it would necessitate would exhaust the rental of all Ireland. The rent of Irish land was placed by the commissioners at £10,000,000 a year; £4,000,000 of this sum was absorbed

Their recommendations.

[1] Mackintosh drew attention to this subject in 1823. *Hansard*, New Series, vol. ix. p. 966. Cf. ibid., Third Series, vol. xvii. p. 850.

[2] Ibid., vol. xxxiii. p. 603.

by encumbrances on the property; and Irish landlords had, therefore, only a net income of £6,000,000. But the support of 2,385,000 persons for thirty weeks a year would require a rate of at least £5,000,000, and absorb five-sixths of the income of Irish landlords. Frightened by their own figures, the commissioners shrank from recommending that relief should be extended to all the poor, and they proposed to confine it to those who were mentally and physically infirm, to those who were either too old or too young to work, and to cases of casual destitution.[1]

Such a suggestion was obviously inadequate. One-third of the Irish poor was in a state of destitution because the population was too large for the country. The commissioners had the folly to imagine that the country could be made large enough for the population. They proposed that a public authority should be appointed with power to reclaim Irish bogs, to drain and fence the waste lands of Ireland, and to levy rates on the adjoining landlords for the improvements which were thus made. They proposed that the Irish Board of Works should have power to establish model agricultural schools in every parish, and to undertake public works for the development of the country. The Utopia into which these benevolent visionaries proposed to convert Ireland would, it was hoped, absorb the surplus population. The residue, it was thought, might be provided for by emigration; and depôts for the reception of emigrants might be established in various places.[2]

Such recommendations had never previously been made by any important commission. Yet the commissioners who had sketched the outline of a possible Utopia enjoyed a status which gave importance to their recommendations. Whately, Archbishop of Dublin, whose works still enjoy a deserved reputation, presided over the commission, and warmly approved its recommendations.[3] He was assisted by Murray, the Roman Catholic Archbishop of Dublin, and eight other colleagues.

[1] See the Report, pp. 5, 25. [2] See the Report, pp. 17–23.
[3] See *Whately's Life*, vol. i. p. 198.

A recommendation, which had been approved by one of the heads of the English Church and accepted by the head of the Roman Church in Ireland, could not be lightly disregarded. On the other hand, persons who were recognised authorities on the subject immediately objected to the recommendations of the commissioners. In the course of the summer of 1836 a young man, who had been employed under the commission as an assistant-commissioner, was asked by Spring Rice to draw up a paper upon the report. Probably no assistant-commissioner had ever been previously invited to review the recommendations of his chiefs. But the ministry was almost warranted in departing from the usual course by the ability of the individual whose advice they sought. George Cornewall Lewis was the eldest son of Sir Thomas Frankland Lewis, a politician who, after filling various offices in the Canning and Wellington Administrations,[1] was selected as Poor Law Commissioner by the Whig Ministry. The profound knowledge which distinguished the son has diverted attention from the merits of the father; yet the son owed his first employment, as assistant-commissioner to the Irish Commission, to the prudence which the father had displayed in administering the English Poor Law.[2] Lewis easily succeeded in disposing of the recommendations of the commissioners. He saw that the scheme of converting Ireland into a Utopia was nothing but a proposal for the management of private property by the State. Such a plan, if it did not simply prove inoperative, would lead to a lavish expenditure of public money.[3] Lewis succeeded in inspiring the ministry with his fears. Instead of legislating on the report of the commissioners it decided on sending Nicholls, one of the three English commissioners, to Ireland, and on desiring him to report on the whole subject.

Nicholls took a rapid tour of six weeks through Ireland in

[1] See *ante*, vol. ii. p. 440.

[2] The three commissioners, Sir T. F. Lewis, Sir J. Lefevre, and Mr. Nicholls, were commonly styled "the three despots of Somerset House."

[3] Lewis's Report will be found in Parl. Papers, 1839, vol. li. p. 255. The passage referred to in the text is on the thirtieth page of the report.

the autumn of 1836. He sought out the people who could furnish him with information, and he contrived to learn more in six weeks than the commissioners had learned in three years. Like the commissioners, he saw that the population of Ireland was too large for the soil. The same evils which had been produced in England by indiscriminate relief had been created in Ireland by indiscriminate charity. The Mendicancy Association of Dublin, for instance, received all applicants, gave them food throughout the day, and dismissed them in the evening with a penny apiece, to enable them to procure a night's lodging. Nicholls found 2047 persons within the walls of the association. Mendicancy was accepted as the sole test of poverty; and the population was thus encouraged to beg its bread. This miserable state of things could only be improved by accepting the destitution of the individual as the sole ground on which relief should be granted. The commissioners, indeed, had amused themselves by proving that a rate for the relief of the Irish poor would absorb five-sixths of the rental of Irish landlords. Nicholls rejected their estimates without even examining them, and declared that workhouse accommodation for one person out of every hundred would be sufficient for every purpose. Eighty or one hundred workhouses, holding 1000 persons each, should, he recommended, be erected in Ireland. A sum of £700,000 would, he estimated, be adequate for their erection.[1]

Mr. Nicholls sent to Ireland.

Nicholls' report was approved by the Government. Adverse critics, indeed, sneered at the haste with which he had travelled through Ireland. They could not gainsay the strength of his arguments. O'Connell, though he criticised the scheme, and suggested that a higher rate should be levied on the property of absentees, gave a reluctant assent to the principle of a Poor Law; and the bill which Russell introduced for the purpose of giving effect to Nicholls' recommendations made gradual progress.[2]

The Irish Poor Law Bill is passed.

[1] For the Report see Parliamentary Papers, 1837, vol. li. pp. 7, 8, 14, 15.

[2] *Hansard*, vol. xxxvi. p. 453; ibid., vol. xxxviii. pp. 360, 454, 827.

The death of William IV., however, interfered with the Poor Bill, just as it interfered with the progress of other measures. The delay was by no means favourable to the passage of the measure. An agitation was arising against the cruelties of the English law. The *Times* supported the attack upon it in its columns; the principal proprietor of the *Times* renewed it, night after night, in his place in Parliament. O'Connell, frightened at these complaints, withdrew his consent to the extension of a Poor Law to Ireland. But his opposition did not affect the issue. Introduced on the 1st of December 1837, the bill passed the Commons on the 30th of April; it passed the Lords on the 9th of July 1838.[1]

The chief provisions of the law which was thus made were founded on Nicholls' report. Relief was confined to the destitute: it was only afforded in workhouses. For the purpose of regulating it Ireland was divided into unions, and each union was placed under the control of elected guardians. The bill, however, did not satisfy the Irish. A measure which had been opposed by O'Connell, which was disliked by Whately, which was distasteful to Murray, which was contrary to the recommendations of Irish commissioners, and which was based on the report of an English official, was not likely to satisfy them. England had given—so they thought—one more proof of her incapacity to legislate for Ireland by forcing on her a measure opposed to the feelings of the Irish nation.

Its unpopularity in Ireland.

The Irish had not been conciliated by the Poor Law; and the ministry was, in consequence, anxious to pacify them by settling the other Irish questions. There were many indications that both parties were weary of the protracted struggles which the Tithe Bill and the Municipal Bill had occasioned. Even in 1837 the Tory leaders had openly declared that they would see with pleasure an amicable termination to an unfortunate difference.[2] The hint was not lost on the ministry, and an arrangement was

Compromise on other Irish subjects.

[1] *Hansard*, vol. xlii. p. 719; and vol. xliv. p. 28.
[2] Ibid., vol. xxxviii. p. 1682.

privately concluded by which Peel undertook to modify his opposition to the Municipal Bill, on the understanding that Russell would withdraw the appropriation clause from the Tithe Bill. The compromise was published on the 27th of March. On that evening Russell publicly asked Peel whether he intended to move an instruction to the committee on the Municipal Bill enjoining the total abolition of the Irish municipal corporations; and Peel, before replying to the question, asked Russell whether he intended to introduce a Tithe Bill, and whether it would contain an appropriation clause. Russell at once declared that it was the intention of the ministry to introduce such a measure, and to base it on ground altogether new; and Peel, imitating the courtesy of his opponent, promised, instead of binding the House to the abolition of Irish corporations, merely to ask for the postponement of the subject till the principle of the Tithe Bill had been settled.[1] The conversation convinced every one that the end was very near. The combatants still performed the customary movements of the arena; but thrust and parry were both preconcerted.

The Tithe Bill.

Three successive Secretaries for Ireland—Littleton, Hardinge, and Morpeth—had devised a Tithe Bill, and in one respect all three bills had resembled each other.[2] The scheme which Russell introduced in 1838 was based on the principle which had been embodied in all its predecessors. He proposed to convert the existing tithe composition into a rent-charge of 70 per cent. of the nominal value of the tithe; to secure this income to the existing incumbents by a State guarantee; to authorise the State on the termination of existing interests to purchase each £70 of rent-charge for £1600; to vest the money paid for its purchase either in real property or in any other security which the Ecclesiastical Commissioners might determine; and to compel the State to devote the rent-charge which it purchased to purely Irish objects, such as the maintenance of the Irish police and the education of the Irish people.[3] The scheme,

[1] *Hansard*, vol. xli. pp. 1313–1319.

[2] See *ante*, p. 27.

[3] *Hansard*, vol. xli. p. 1317; and vol. xlii. p. 1173.

foreshadowed in a series of ten resolutions which were placed on the notice paper on the 27th of March, was elaborated and explained by its author on the 14th of May. Till within a few days of that speech the ministry had no reason to believe that the arrangement virtually concluded with Peel would be disturbed. On the 10th of May, however, Sir Thomas Acland, the member for Devonshire, revealed the intentions of the Opposition. The Conservatives had never forgiven the famous vote of 1835, which had driven Peel from power; and they now offered, through Acland, to accept Russell's proposal, on condition that the resolutions of 1835 were rescinded. Russell naturally complained that he had been deceived. The Conservatives paid no attention to his complaints. Conscious of their increasing strength, and encouraged by the success of a demonstration at a dinner at which Peel had been entertained by his party two nights before,[1] they longed for the excitement of a great party struggle, and mustered in all their force to support Acland. The division afforded an accurate test of the strength of parties, but it did not confer much advantage on the Conservatives. Acland was beaten by 317 votes to 298,[2] and the obnoxious resolutions were not rescinded.

The ministry had succeeded in defeating Acland. But the Conservatives had been given an opportunity of proving that the policy of Peel was supported by about 300 members of the House of Commons; and no Government, however strong in other respects, could afford to disregard the wishes of so considerable a minority. On the Friday which succeeded the great division, Russell, replying to Burdett, admitted that he intended to modify his proposal, and to confine himself to converting the tithe composition into a rent-charge.[3] This modification virtually ensured the success of the Tithe Bill. Peel, after giving himself a few days to consult his friends, professed himself ready to support the modified scheme, reserving, however, his opinion on the proportion which the rent-charge should bear to the tithe.[4] Supported in this way

[1] *Ann. Reg.*, 1838, Hist. p. 115.
[2] *Hansard*, vol. xlii. p. 1353.
[3] Ibid., vol. xliii. p. 1364.
[4] Ibid., vol. xlii. p. 444.

on both sides of the House, the bill made gradual progress. Ward, indeed, who had originated the appropriation clause in 1834, endeavoured, with more consistency than his leaders, to reintroduce the famous principle into the bill. Whigs and Conservatives united to defeat him, and Russell and O'Connell voted against him in the majority.[1] The ministry, after defeating a specific motion made for the purpose, consented to fix the rent-charge at 75 per cent., instead of 70 per cent., of the composition.[2] They engrafted on the bill clauses abandoning the claim of the nation to repayment of the great advances which had been already made to the tithe-owners, and which amounted to £640,000; and they consented to devote £260,000 to the extinction of the remaining arrears.[3]

English Radicals were indignant at these concessions. They complained that the great principle on which Peel had been driven from power had been wantonly abandoned by the Government; they complained of the extravagance of lavishing vast sums of money on the Church of a minority; they complained that the rent-charge had been raised without adequate reason from 70 to 75 per cent. of the tithe for the sake of pacifying the Tory party.[4] The Conservatives, on the contrary, were elated beyond precedent at the success which their leader had achieved. The bill, which had been passed under the guidance of Russell and with the approval of O'Connell, was the very measure which Peel had himself offered through Hardinge in 1835. In both of them the terms secured to the Church were the same; in both of them there was no mention of the great question of appropriation. The point which, in 1835, was considered of essential importance by the Whigs in Opposition was surrendered for the sake of peace by the Whigs in office in 1838; and their leader, forgetting the indignity to which he had submitted, in his old age described the important consequences of the bill

[1] 270 to 46. *Hansard*, p. 1202.

[2] Ibid., p. 1209; and vol. xliv. p. 1110.

[3] Ibid., vol. xliv. pp. 84, 229, 249, 324, 541.

[4] See especially Grote's speech, in *Hansard*, vol. xliv. p. 658; and Brougham's protest, in ibid., p. 978. And cf. Lord Clancarty, ibid., p. 1110.

which he passed, without reminding his readers that but for him Ireland would have obtained from his opponents the same bill three years before.[1]

The humiliation to which the Whig Ministry had thus submitted might have almost satisfied its fiercest opponent. But it was destined to encounter one more rebuff during the memorable session of 1838. On the 29th of May, Russell proposed that the House should resolve itself into a committee on the Irish Corporation Bill. The measure, which had been read a second time early in the session,[2] divided the towns which it affected into three schedules. The first two schedules contained the large and important towns, the third schedule the smaller towns. Peel at once offered to allow the eleven largest towns in Ireland, whose names were contained in the first two schedules, to receive elected governing bodies, provided that the franchise of the new electors was fixed at £10 rateable value.[3] He offered at the same time to allow a majority of the £10 electors in the smaller towns to apply to the Lord-Lieutenant for a charter of incorporation.[4] On the 1st of June, Russell intimated his readiness to meet Peel half way. He was ready to accept the proposal for limiting the corporations to the eleven largest towns, allowing the electors of the smaller towns to apply for a charter, but he was not prepared to limit the franchise in the smaller towns to £10 householders.[5] The Liberals, in fact, already annoyed at the concessions which their leader had made, refused to concede anything further.[6] Mustering in Russell's support, they rejected Peel's alternative proposal;[7] and the bill, with a £10 franchise for the larger towns, and a £5 franchise for the smaller towns, passed the House of Commons.[8]

Irish Corporation Bill.

Once more the Lords had an opportunity of displaying their dislike to change and their veneration for old abuses:

[1] *Recollections and Suggestions*, pp. 153, 154.
[2] *Hansard*, vol. xl. p. 723.
[3] Ibid., vol. xliii. p. 449.
[4] Ibid., p. 457.
[5] Ibid., p. 515.
[6] *Ann. Reg.*, 1838, Hist., p. 128.
[7] By 286 votes to 266. *Hansard*, vol. xliii. p. 651.
[8] Ibid., p. 1070.

and once more Lyndhurst came forward as their exponent. He easily succeeded in persuading his brother peers to strike the £5 qualification out of the bill, to substitute for it one of £10 clear annual value,[1] and to adopt other minor amendments protecting the privileges of existing corporations and of freemen. With these amendments the bill was returned to the Commons. But the Commons naturally declined to accept the decision of the Lords. On Russell's motion they struck out the qualification which Lyndhurst had imported into the measure, and substituted for it an £8 rateable value.[2] Other amendments were subsequently rejected, and the bill again returned to the Lords. The Lords, however, stood firmly by their own decision. A conference between the two Houses failed to reconcile either of them to the view of the other, and the Municipal Bill was accordingly abandoned.[3]

In these events the ministry had incurred much disrepute. They had, indeed, succeeded in introducing a Poor Law into Ireland, and in converting Irish tithes into a rent-charge. But the first of these measures had been forced on the Irish against their wish; the second of them had been carried only by the abandonment of the principle on which the ministry was founded. Liberal members, with confidence in their own views, could hardly conceal their impatient disapproval of this state of things. "We have both a Conservative ministry and a Conservative Opposition," was the complaint made by the ablest Radical in the House; and the man who preferred it had already made up his mind to abandon politics for literature, and to devote the abilities which he found were only uselessly employed in the conservative atmosphere of Westminster to studying the history of ancient Greece. The world, in consequence, became, in one sense, richer from the half-hearted policy of Melbourne's Administration. Grote would not have found leisure for the completion of his great work if dislike of a feeble policy had not driven him from Westminster.[4]

Discontent of the Radicals.

[1] *Hansard*, vol. xliv. pp. 150–167. [2] Ibid., pp. 909–922.
[3] For these debates, ibid., pp. 1035, 1112–1122.
[4] *Personal Life of Grote*, p. 127.

Radicals like Grote were not the only persons who were dissatisfied with the results of the session. The ministers were themselves conscious of their own failure. Two departments of the Government had been especially exposed to attack. Every Radical considered that Glenelg, the Colonial Secretary, was the weakest member of the Administration. Every Tory was profoundly dissatisfied with the administration of Ireland by Mulgrave, who had been advanced a step in the peerage and made Lord Normanby. Glenelg's policy in the Colonial Office had been made the subject of attack by Molesworth, the member for East Cornwall; and Glenelg had only been saved by the Tories endeavouring to inculpate the entire ministry.[1] At a still earlier period the state of Ireland had been the subject of debate, and an Irish peer had made a furious attack upon the Whig administration of Ireland.[2]

The condition of Ireland justified the apprehensions which prompted this attack. But the difficulties which were again arising in Ireland were not attributable to the Viceroy. Normanby was not remarkable for any great qualities as a statesman. It was his lot to fill many situations, and to excite, and occasionally to deserve, adverse criticism in the discharge of the various duties which he was appointed to fulfil. Yet if there was one position in which he was deserving of praise rather than of censure, it was his administration of the Government of Ireland from 1835 to 1839. He was the first Viceroy of the nineteenth century who deliberately endeavoured to govern Ireland on Irish ideas; who tried to do justice to the tenant as well as to the landlord, to the Roman Catholic as well as to the Protestant. His policy might have given peace to Ireland if it had not been neutralised by the conduct of Parliament. The Irish could not be reconciled to English rule while the Legislature was giving them laws which they disliked, and refusing them the reforms which they wanted. In the autumn of 1838, O'Connell, dissatisfied with the new Poor Law, and justifiably indignant at the conduct of the House of Lords, commenced a new agitation for justice

[1] *Hansard*, vol. xli. pp. 476, 526. [2] Ibid., vol. xxxix. p. 212.

to Ireland. For the purpose of securing to Ireland the justice which he sought for her he proposed the formation of a new association to petition Parliament for corporate reform, for an extension of the suffrage, and for an increased number of representatives. O'Connell gave the association the singular name of the Precursor Society; its members were consequently styled Precursors, or more commonly, for shortness, "Cursers."[1] The society was ostensibly formed to support the ministry against the Tories; and Irish magnates and landowners, who usually sympathised with the Tories, were naturally alarmed at it. At the end of 1838 the magistrates of Tipperary, trembling at the possibility of renewed outrages in the coming winter, memorialised the Irish Government for protection. Normanby replied to their memorial through his under-secretary, Drummond, an officer of Engineers, who had been private secretary to Althorp, and who had filled the office of Under-Secretary at Dublin Castle since 1835. Drummond, instead of complying unconditionally with the prayer of the Tipperary magistrates, took the opportunity of lecturing them on their duty as landlords, enforcing his criticism by observing that "property has its duties as well as its rights!" The happy phrase which, since 1838, has passed into a proverb, raised a storm of indignation throughout Ireland when it was first employed. The Irish, Irish landlords thought, were the last persons who should have been authoritatively reminded of the duties of property. The magistrates of Meath passed a series of resolutions ascribing the increasing animosity of Irish peasants to Drummond's letter, and appealing from the Irish Executive, from whom, they declared, they had nothing to hope, to the British Legislature.

Renewed agitation in Ireland.

It so happened that the indignation of the magistrates was increased by an event as unexpected as it was horrible. On the 1st day of 1839, Lord Norbury, the son of the Irish judge who had presided at Emmett's trial, an elderly peer, whose life had been spent in acts of kindness and charity,

[1] *Life of Whately*, vol. i. p. 418.

who had taken no active part in politics, and who was believed to be on good terms with his tenantry, walking with his steward in a plantation on his Meath estate in open daylight, was shot and mortally wounded.[1] The assassin escaped; and the Tories unanimously attributed the crime to agrarian outrage, and declared that atrocities of this character had been encouraged by Normanby's leniency. The Irish might have gone on shooting agents without provoking much remark; the horrible murder of an unoffending nobleman raised a storm of indignation.

Normanby would, perhaps, have been wise to have faced the storm which had arisen. Instead of doing so he carried out the intention which he had already formed of escaping from a position of which he was weary. An opportunity for doing so was immediately opened to him. Russell, alarmed at the inefficiency of Glenelg's Colonial Administration, insisted on the Colonial Office being placed in stronger hands, and on the removal of the Colonial Minister. Glenelg's retirement enabled Melbourne to place Normanby in the Colonial Office. In Normanby's place Melbourne endeavoured to secure the services of his old friend Spencer, the "honest Jack Althorp" of Grey's Ministry. Spencer, however, preferred his shorthorns and Northamptonshire to Ireland and a Viceroyalty;[2] and Melbourne thereupon selected Ebrington for Ireland. Ebrington was the eldest son of the first Earl Fortescue by Hester, the daughter of George Grenville. Through his mother he inherited administrative abilities of a high order. From his father he derived the sound constitutional principles which made him the firm adherent of the Whig party. In the autumn of 1831, after the rejection of the Reform Bill by the Lords, he had proposed the resolution which had enabled the Whigs to remain in office.[3] At a still earlier period he had distinguished himself by introducing O'Connell to the House of Commons.[4] A

Reconstruction of the ministry.

[1] *Ann. Reg.*, 1839, Chron., pp. 3, 315. *Hansard*, vol. xlvi. p. 39. Emmett's speech was circulated through the neighbourhood before the murder. Ibid., p. 42.

[2] *Spencer*, p. 552. [3] *Ante*, vol. iii. p. 222. [4] Ibid., vol. ii. p. 422.

Liberal member of Parliament, who had especial claims on O'Connell, seemed likely to prove an acceptable Viceroy. Unluckily, the year before, Ebrington was reported to have declared that he had voted for the Tithe Bill "because it would render the war against the Protestant Church in Ireland more formidable." The Tories inferred from these words that Ebrington was in favour of continuing war in Ireland, and that therefore his appointment made peace impossible.[1] The speech was unfortunate; but the ministry declined to admit that it disqualified Ebrington for the situation. At the end of February he was summoned to the House of Lords as Baron Fortescue, and in March he proceeded to Dublin.

Lord Ebrington Viceroy.

Ebrington reached Ireland at an anxious moment. Tory magnates were universally ascribing the outrages which had culminated in Lord Norbury's death to the conduct of the Irish Government. The magistrates of Meath were formally appealing from the Irish Government to the British Legislature. Conservatives in Parliament were readily responding to the appeal. In the House of Commons, Shaw, the Recorder of Dublin, and one of the members of its University, a gentleman whose eloquence and intemperance had made him the leader of the Irish Protestants, moved for returns relating to crime in Ireland from 1835 to 1839. He desired to show that the tranquillity which Normanby boasted that he had secured did not exist, and that Ireland was the prey of secret organisations, which were making her soil uninhabitable.[2] The returns were conceded by the ministers, who took the opportunity of offering a long explanation of their Irish policy. These explanations were not of much significance. Every one understood that the true attack on the ministry would be made in the House of Lords, and that Shaw was only making a preliminary reconnoissance to test the strength of the ministerial position.

The attack on the Irish Government.

[1] For Ebrington's speech see *Hansard*, vol. xliv. p. 656. For the attack on him for it, ibid., vol. xlv. p. 951. For his own explanation, ibid., p. 1144.

[2] Ibid., vol. xlvi. p. 25.

The real onslaught was led by Lord Roden, who, on the 21st of March, moved for a select committee to inquire into the state of Ireland since 1835. The terms of the motion, and the period which the proposed inquiry was to embrace, implied that it was Roden's object to cast a direct censure on the Normanby Administration. His object, at any rate, was plain enough from the speech in which he advocated the inquiry. Ireland, he argued, was the unfortunate victim of a serious conspiracy; the life and property of the Irish were insecure; and this insecurity had been aggravated by the unwise clemency of the Viceroy. Normanby endeavoured to show, in reply, that serious crime in Ireland had diminished under his administration, and that the proportion of convictions to offences had, in the same period, increased. The Peers, who were still influenced by the recollection of the details of Norbury's murder, were in no humour for statistics of this sort. Notwithstanding Melbourne's declaration that he should regard the success of the motion as "a pure censure upon the Government," the Lords conceded the inquiry which Roden claimed by 63 votes to 58.[1]

Such a vote, if it had been endorsed by the Commons, must have led to the immediate resignation of the Whig Ministry.

The vote reversed by the Commons.

Russell at once declared that immediately after the Easter recess he should take the opinion of the Lower House of the Legislature on the conduct of the Irish Government.[2] O'Connell devoted the interval which thus occurred to calling upon his "two millions of Precursors" to rally round the ministry, and declare their confidence in the principles on which Normanby had acted.[3] Roden's success had thus been instrumental in inflicting a new agitation on the unhappy country which had become the constant scene of party warfare. The agitation did not materially affect the real issue. On the 15th of April, Russell asked the House to affirm the expediency of persevering in those

[1] *Hansard*, vol. xlvi. pp. 948, 974, 1031, 1047. The Committee's Report is in ibid., vol. xlix. p. 510.

[2] Ibid., vol. xlvi. p. 1118.

[3] *Ann. Reg.*, 1839, Hist., p. 61.

"principles which have guided the Executive Government of Ireland of late years, and which have tended to the effectual administration of the law, and the general improvement of that part of the United Kingdom."[1] In doing so the ministers had the courage to refer their conduct to the "direct and unequivocal opinion" of their supporters, and to declare that they would "exist no longer on sufferance."[2] This declaration was, of course, warmly cheered by the followers who crowded the benches behind them, and whose political sympathies obscured their memory. It sounded strangely enough in the ears of those Liberals who recollected the humiliation of the previous year, and who had not forgiven or forgotten the conduct of the Whig leaders towards Canada and Ireland. "I say," exclaimed Leader, "that they have remained in power these two years on sufferance. I say more, that they exist this moment by the sufferance of ten or twelve men; and that, if ten or twelve of those sitting on this side were to join the honourable gentlemen opposite, they would cease to be a Government. I say, moreover, that, if a general vote of want of confidence were proposed, more than ten or twelve on this side would support that vote against the Government. In what position, then, is the Government placed? Why, the Right Honourable member for Tamworth governs England. The Honourable and learned member for Dublin governs Ireland. The Whigs govern nothing but Downing Street. The Right Honourable member for Tamworth is contented with power without place or patronage, and the Whigs are contented with place and patronage without power. Let any honourable man say which is the more honourable position.[3]

The discontent of the Radicals.

Supported by the Radicals, the ministry succeeded, after a long debate, in passing the resolutions which Russell had proposed.[4] But Leader's speech had given them fair warning of the discontent of some of their supporters. Just as the Tories

[1] *Hansard*, vol. xlvii. p. 4.
[2] Ibid., p. 292. The expression was Morpeth's.
[3] Ibid., p. 373.
[4] Ibid., p. 447.

had not been appeased by the substitution of Ebrington for Normanby in Dublin, so the Radicals had not been satisfied by the change of Colonial Secretaries in Downing Street. The sharp measures of repression which had been adopted in Canada still lingered in their memories; and a kindred question, which had arisen in the West Indies, threw fresh light on the colonial policy of the Whig Ministry. Ever since the great measure of 1833, which had abolished slavery, the planters of Jamaica had been complaining of their treatment by the British Government. They declared that their property had been recklessly sacrificed to satisfy the clamour of some ignorant humanitarians. Throughout the whole course of the struggle the planters had been more distinguished for their obstinacy than their prudence. The definite abolition of slavery inflamed their passions and blinded their reason. The local Legislatures had been given a definite interval to enable them to prepare for the complete extinction of enforced labour. They made no preparations for the approaching freedom of the negroes. They declined even to pass any measure for distinguishing between prædial and non-prædial apprentices, for affording them protection, or for ensuring them adequate food, shelter, or clothing. In consequence the negroes who happened to be apprentices to bad masters were treated with a cruelty which they had not experienced as slaves. The slave had always been allowed fourteen pints of Indian corn and twenty-one pints of flour a week: the allowance to the apprentice was reduced to ten pints of corn and eight pints of flour.[1] In Guiana, before 1833, the mother of six children and women in pregnancy had been exempted from field labour. The exemption was refused to the apprentices.[2] The Emancipation Act had required that no apprentice should be worked more than nine hours a day. With a refinement of cruelty the apprentices were marched eight or nine miles to their work, and their labour was thus prolonged to fourteen or fifteen hours. The British Parliament had declared that

Jamaica.

The apprentices.

[1] *Hansard*, vol. xlii. p. 47. [2] Ibid., p. 59.

female flogging should cease; it was admitted that female slaves were constantly flogged. Before 1833 the master had felt some interest in the life of his slave. After 1833 he thought his interest was best secured by working him to death before the expiration of his apprenticeship. He regarded the negro as a bad farmer regards the farm which he holds on a short lease. He decided on exhausting it before the end of the term.[1] He carried out his brutal part effectually. Underfed men and women, marched long distances to their work, were tasked beyond their drooping strength. When exhausted nature refused to work they were sent to the House of Correction for obstinacy, and placed on the treadmill. Women were flogged on the treadmill till they fainted; women were flogged on the treadmill till they died.[2]

Stories of this character, whispered and repeated in England, naturally created a great sensation. The narrative of a negro, himself the victim of the disgusting cruelty of a brutal master, himself the witness of the terrible scenes in the House of Correction, was widely circulated in this country. The Colonial Office, forced into action by the public, appointed a commission to investigate the story, and all the essential particulars of the tale were corroborated.[3] It sent out an officer in 1837 to examine and report on the Jamaica prisons.[4] The action which the ministry found it necessary to take did not satisfy the people. The agitation which Wilberforce had originated, and which Buxton had revived, was suddenly renewed. The people, meeting in their thousands in the spring of 1838, determined to insist on the liberation of the prædial as well as the non-prædial apprentices on the succeeding 1st of August. More than three thousand petitions, containing, it was said, more than a million of signatures, were presented with this object to the Legislature.[5] Politicians in

[1] See Williams' story, *Hansard*, vol. xlii. p. 48.

[2] Ibid., vol. xliii. p. 113. A coroner's jury, which inquired into the death of a woman tortured to death on the treadmill, resolved that she had died by the "visitation of God."

[3] Ibid., vol. xlii. p. 48.

[4] *Ann. Reg.*, 1839, Hist., p. 96; and *Hansard*, vol. xlvii. p. 860.

[5] *Hansard*, vol. xliii. p. 409.

Parliament were discussing the compromises which were being gradually concluded between Russell and Peel. The people out of doors, lashed to fury by the narrative of a negro, talked of nothing and thought of nothing but the wrongs of the Jamaica apprentices.

The foreign slave trade.

It so happened that, at the period at which attention was prominently directed to the cruel treatment of the apprentices in the British West Indies, fresh accounts were received of the horrible atrocities which were perpetrated by the slave traders of other nations. The steps which this country took to check the slave trade, unfortunately, increased the sufferings of the unfortunate negroes who were torn from their homes. On one vessel, concerning which particulars were received, 180 or 200 slaves were crowded into a space only two and a half feet high. Ophthalmia broke out among them; and the master of the vessel endeavoured to stamp out the disease by throwing every negro who was infected with it overboard.[1] Diseased negroes were not the only slaves who were ruthlessly drowned by their inhuman captors. Up to the 1st of January 1836 a British cruiser could not condemn a Spanish ship—till a more recent date it could not condemn a Portuguese vessel—unless slaves were actually on board of it. An American ship could assume the Portuguese flag at the Cape de Verd by paying a fee of 100 dollars.[2] In consequence the slave ships which were overtaken by British cruisers escaped condemnation by the simple process of drowning their slaves. Even the regulations which were made by this country were supposed to increase the sufferings of the slaves. The British Ministry allowed the navy a bounty of £5 on every slave which was recovered and restored to freedom. It was alleged that the navy, in consequence, was

[1] *Hansard*, vol. xl. p. 1288.

[2] Ibid., vol. xli. p. 322. Lord Howard de Walden, the British Minister at Lisbon, was instructed to induce the Portuguese Government to declare the slave trade piracy. Instead of obeying his orders, he wrote to "My dear Viscount" de Sa Bandeira, telling him how he could best evade the demand. "This, in short, strikes me as the outline of the best case to make out." See ibid., vol. li. p. 968; *Ann. Reg.*, 1840, Chron., p. 444.

interested in recovering slaves instead of stopping the slave trade; and that, instead of seizing the vessels engaged in the traffic before the negroes were on board, the officers of the Royal Navy waited till the entire cargo was shipped. The head-money which the British Government granted, instead of checking the slave trade, encouraged the shipping of slaves.

There was no real connection between the atrocities of the slave trade and the grievances of the West Indian apprentices. But the sufferings which the negro race endured under one system set off the description of their misery under the other. The agitation which had been kindled by Williams' story was fanned by the accounts which were received from the West Coast of Africa. One man was ready enough to avail himself of the temper of the people to embarrass the ministry. Nearly ten years before Brougham had been distinguished for the support which he had afforded to the abolitionists. But, during his whole tenure of the Chancellorship, he had done little or nothing to carry out the views which he had thus expressed in Opposition. On the contrary, it was roundly stated that, in the discussions in the Cabinet in 1833, he had sided with Stanley, and had voted against the more generous policy which Lord Howick had advocated. In 1838, however, this passage in his biography had no terrors for Brougham. He had returned to his place in Parliament with a determination to chastise the ministry which had the presumption to exclude him from power. Slavery was a convenient theme for his declamatory eloquence; and accordingly, on the 29th of January 1838, he seized the opportunity, which the presentation of some petitions afforded him, to denounce "the accursed traffic in slaves." He followed up the attack on the 20th of February by moving a series of resolutions condemning the payment of head-money, and insisting on the termination of the apprentice system on the succeeding 1st of August. The atmosphere of the House of Lords was not suited to Brougham's vigorous declamation. His advice fell coldly on

Brougham attacks the foreign slave trade.

the Peers, and his resolutions were defeated.[1] But the ministry, stung by the attack which he had made, and alarmed at its repetition in the House of Commons, agreed to an address proposed by Inglis condemning the trade, and consented to abandon the system of head-money, substituting for it a tonnage bounty on captured slave vessels.[2]

Inglis had effected one of the objects at which Brougham had aimed. The abolitionists, however, were even more anxious to shorten the term of apprenticeship than to obtain the abolition of head-money. In 1837 they would have appealed to Buxton to take charge of their case. But in 1838 Buxton did not enjoy the advantage of a seat in Parliament. All his great services in the cause of humanity had not commended him to the electors of Weymouth, and, at the general election of 1837, they had preferred a Tory to the distinguished humanitarian. In Buxton's place the abolitionists placed their brief in the hands of Sir George Strickland, the representative of Yorkshire, the great county which had always been foremost in the work of abolition. Strickland proposed the termination of the apprentice system on the 1st of August. The ministry, instead of simply resisting his proposal, met it with a motion that a bill providing for the better treatment of the apprentices should be read a second time. The alternative motion was entrusted to Sir George Grey, the Under-Secretary of State for the Colonies, and the cousin of Lord Howick. It thus, by a singular coincidence, fell to the lot of one Grey to defend the continuance of a system whose introduction had driven another Grey from the Colonial Office. The coincidence, however, escaped attention at the time. The Commons, impressed with Sir George Grey's argument that Parliament had made a compact with the planters, under which the latter had a right to the services of their apprentices till August 1840, defeated Strickland's motion by 269 votes to 215, and Grey's bill for improving the lot of the miserable apprentices was then read a second time.[3]

The apprentice system.

[1] *Hansard*, vol. xl. pp. 1284–1357.
[2] Ibid., vol. xlii. pp. 1122–1154; and vol. xliii. pp. 128–131.
[3] Ibid., pp. 41, 65, 108, 156, 257, 261.

The abolitionists, however, were not discouraged by the defeat which they had incurred. Grey's bill afforded them an opportunity of raising the question a second time; and on the 6th of April—when the House was in committee—they introduced a clause abolishing apprenticeship in Jamaica on the first of the following January. Little interest was taken in the discussion, and the Commons adhered to their previous decision by 115 votes to 61.[1] Undiscouraged by a second defeat, on the 22nd of May 1838, Sir Eardley Wilmot asked the House to pledge itself to the immediate termination of the apprenticeship system, and succeeded in carrying his motion by 96 votes to 93.[2] A small majority in a thin House had practically rescinded the resolution which a large majority in a full House had previously adopted.

These conflicting decisions placed the ministry in an embarrassing position. They escaped from their dilemma by at once stating that effect could only be given to Wilmot's resolution by legislation, and that legislation introduced for the purpose would meet with their strenuous and determined opposition. Would Wilmot introduce a bill to give effect to his resolution? Wilmot, however, satisfied with the success which he had already secured, refused to give the Government the opportunity which it desired, and threw upon it the unpopularity of asking the House to resolve that it was not expedient to carry his views into effect. A motion with this object, introduced by Grey on the 28th of May, was carried by 250 votes to 178; and Parliament stood consequently pledged to a continuance of the apprenticeship system till the date originally agreed upon—the 1st of August 1840.[3]

In the meanwhile news of these debates was carried across the Atlantic to the colonists who were the subject of them. With the news came pressing despatches from Downing Street recommending the planters to conciliate their opponents by releasing their apprentices. Antigua, Montserrat, Nevis, and Barbadoes all gave way; and more than 120,000 apprentices

[1] *Hansard*, vol. xlii. p. 472. [2] Ibid., vol. xliii. p. 123.
[3] Ibid., pp. 128, 150, 280, 430.

were at once freed by their decisions.[1] Jamaica still sulkily refused to listen to the remonstrances of Parliament or to the advice of Glenelg. Even in Jamaica, however, the policy of giving way was gradually becoming plainer. There were, at least, 43,000 negroes on the island who could, in no circumstances, be regarded as prædial apprentices, and who would consequently be entitled to claim their emancipation on the first of the ensuing August. In any circumstances, then, a large proportion of the negro population of Jamaica would obtain complete freedom in a few weeks. Their emancipation would increase the difficulty of exacting enforced labour from the remainder. The means, moreover, which had been hitherto fashionable in Jamaica for compelling the unhappy negroes to work were taken out of the planters' hands by Grey's bill. Thenceforward a female negro could not be placed on the treadmill, could not be flogged, could not have her hair cut off. Thenceforward even a male negro could not be flogged for any offence which would not expose a free man to the same punishment. Apprentices, held under such regulations, were hardly worth having. The House of Assembly of Jamaica accordingly gave way, and agreed to emancipate their negroes on the 1st of August 1838.

The Jamaica Assembly terminates the apprentice system.

News of this decision reached England on the morning of the 16th of July.[2] It was, of course, welcomed with rapturous enthusiasm by the abolitionists. The concession, indeed, had been wrung from Jamaica; and the planters, angry at being compelled to give way, displayed their discontent by drawing up a protest against the proceedings of the British Parliament. They had the temerity in this document to contrast the virtues for which the colony was famous with the vices which they thought disgraced the mother country, and, forgetting that they had produced the Mosses, to boast that they had not produced a Burke.[3] If the planters had been left alone they

[1] *Hansard*, vol. xliii. p. 745.

[2] Ibid., vol. xliv. p. 205.

[3] For the protest see *Ann. Reg.*, 1838, Hist., p. 347. For the Mosses see *ante*, vol. iii. p. 405. Burke the murderer was, of course, the monster whom the Jamaica House of Assembly referred to in their protest.

would, probably, have recovered their temper. Unluckily, the ministry thought it impossible to ignore the report which they had received on the prisons of Jamaica, and consequently introduced a bill for their better regulation. In England the bill attracted hardly any attention and provoked no opposition.[1] In Jamaica the news of its passage almost produced a rebellion. The House of Assembly denounced it as a violation of its rights, and agreed to desist from its legislative functions. Prorogued by the Governor, in the hope that their passions might be appeased, the members reassembled to reassert their previous decision. The Governor, in despair, dissolved the angry body; but the new Assembly which he was forced to summon proved as intractable as its predecessor. It at once declared its intention of adhering to the determination of the previous House of Assembly, "the result of their own mature deliberation, corroborated by the full and cordial sanction of the constituency of the island."[2]

The Jamaica Prisons Bill.

The crisis which had thus arisen in Jamaica was in some respects similar to that which had occurred the year before in Lower Canada. In both colonies the Governor, acting on instructions from England, found himself thwarted and checkmated by the House of Assembly. But there was this distinction between the two cases: the House of Assembly in Lower Canada was asserting the rights of the majority of the people, and was receiving the support of the extreme Radicals in England. The House of Assembly in Jamaica, on the contrary, was the representative of a small minority of the colonists; and English Radicals were the very men who had urged the measures forward which had provoked the existing discontents. Normanby decided on taking the measures to control Jamaica which Glenelg had adopted to subdue insurrection in Canada. He asked Parliament to suspend the constitution of Jamaica for five years. The bill, which was introduced for this purpose on the 9th

The crisis in Jamaica.

[1] The only allusion to it in *Hansard* is in vol. xliv. p. 319.

[2] *Ann. Reg.*, 1838, Hist., p. 350; and *Hansard*, vol. xlvii. p. 798.

of April 1839, was entrusted to Henry Labouchere, the member for Taunton, who had just succeeded Sir George Grey as Under-Secretary at the Colonial Office.[1] It was read a second time on the 22nd of April 1839; and counsel were called in and heard for the House of Assembly and for the people of Jamaica.[2] The Commons, exhausted with listening to a five nights' debate on the affairs of Ireland, obtained in this way a short interval of repose. At last, on the 3rd of May, Russell moved that the House should resolve itself into a committee on the Jamaica Bill, and Peel at once rose to state his objections to the measure. The debate which thus commenced on Friday, the 3rd of May, was terminated on Monday, the 6th of May. The division justified the prediction which Leader had made a fortnight before. Ten Radicals crossed the House and voted against the ministry. The ministerial majority was reduced by their defection, and Russell's motion was with difficulty carried by 294 votes to 289.[3]

The Jamaica Bill.

Technically ministers were entitled to go on. Except upon technical grounds, however, it was obviously expedient for them to escape from the humiliating position into which they had gradually fallen. Morpeth had boldly declared that they would exist no longer on sufferance; and an existence upon sufferance would have been the inevitable fate of a ministry which had chosen to persevere with an unpopular measure, supported by only a narrow majority. Melbourne accordingly waited on the queen and resigned his office. The queen, by her minister's advice, sent for Wellington, who recommended her to transfer the task of forming a ministry to Peel.[4] The task was easily accomplished. Stanley and Graham consented to join the new ministry. Peel's more immediate friends were, of course, ready to lend him every assistance; and the chief places in the new Cabinet were filled up in forty-eight hours. In the course of a conversation with the queen on the 9th of May,

The resignation of the ministry.

[1] *Hansard*, vol. xlvi. p. 1243. Sir G. Grey was made Judge-Advocate-General in succession to Cutlar Fergusson, who died in November 1838.

[2] Ibid., vol. xlvii. p. 461.

[3] Ibid., pp. 765, 972.

[4] Ibid., p. 981.

however, Peel casually mentioned the changes which it would be necessary to make in the Household. He was surprised at receiving a letter from her on the following day saying that the removal of the ladies of her bedchamber would be repugnant to her feelings. He at once replied, insisting on their removal.[1] The queen, adhering to her original objections, appealed to Melbourne for help in her difficulty; and Melbourne, with more gallantry than prudence, responded to her appeal. Grave and sensible men, who had already drunk deeply of the cup of humiliation, who had sacrificed their party, their country, and their own reputations by doing so, voluntarily resumed the positions which they had deliberately abandoned, because they were told by their queen that it was repugnant to her feelings to part with their sisters and their wives.[2]

The Bedchamber question.

The degradation of the Whig Ministry would have been pitiable enough if it had been incurred for the sake of establishing a great constitutional principle. Unfortunately for ministers, in principle Peel was in the right. In theory every step taken by the sovereign is adopted on the advice of her responsible ministers; and conversely ministers are responsible for every act of the Crown. Responsibility implies liberty to advise and control; and Peel, therefore, had unquestionably the right to advise, and even insist on, the removal of the Whig ladies of the Bedchamber. The more the strict principles of the Constitution are applied to the dispute the more clearly is Peel's view established. Eminent ministers, however, should endeavour to recollect that it is not always necessary to assert great constitutional principles. The mere fact that the Crown, in every dispute, must yield to the minister, ought to teach the minister the impropriety of exacting an unconditional surrender on the occasion of every difficulty from the Crown. Common courtesy requires that some little consideration should be had for the feelings of a

[1] *Hansard*, vol. xlvii. p. 985.

[2] Lord Morpeth's sister and Lady Normanby were the two ladies to whom Peel specially objected. See his speech in *Hansard*, vol. xlvii. p. 989.

sovereign ; and the claims of courtesy are not weakened when the minister is a powerful man, and the sovereign a young and inexperienced girl. Had, indeed, the interests of a world, of a nation, or even of a party, been concerned in the removal of the wife of Normanby and the sister of Morpeth from Court, something might undoubtedly be said for Peel's conduct. But it was ludicrous to suppose that the backstairs influence of two estimable and middle-aged ladies could make the slightest impression on public business. The minister who declared that he was afraid of a couple of petticoats seemed disqualified by his cowardice from the task of governing the first country in the world.

Respect for himself should thus have saved the minister from the difficulty which he encountered, even if he had not allowed himself to be influenced by consideration for his queen. But consideration for the queen should have taught him that, while he was right in principle, she was right in feeling. He chose to rest the dispute on the strict rules of the Constitution. She shrank from severing herself from the friends by whom she had been surrounded since her accession. He could not get out of his head that she was a great queen ; she never forgot that she was a young girl. He dreaded that she would become the victim of intrigue : she dreaded the isolation to which her ministers were apparently condemning her. In politics feeling is a stronger power than reason : the people, ignoring Peel's unanswerable arguments, were touched by their sovereign's conduct. The heads of statesmen were with Peel : the hearts of the people were with the queen.

The nation's sympathy with the queen.

The country was, indeed, prepared for an outburst of loyalty. All that the queen did in 1837 and 1838 encouraged the loyalty of her subjects ; and one event, a year after her accession, stimulated its growth. In June 1838 the queen was crowned at Westminster. The coronation was less magnificent than that of George IV. Discontented Tory noblemen complained that the splendid ceremony was shorn of some of its proportions, and that they

Loyalty stimulated in 1838 by the coronation.

had not the opportunity of dining at the public cost in Westminster Hall. The ministers wisely refused to yield to their clamour, and insisted on saving the queen from the fatigues, the public from the cost, inseparable from such a banquet. But, with equal wisdom, they determined to abridge none of the splendour which could be enjoyed by the general public; and they added to the original programme an outdoor procession which could be seen by large masses of the people. Celebrated in this way, the coronation proved the greatest holiday that had ever been observed in England. The railways helped the coaches to pour thousands of sightseers from the provinces into London, and 400,000 people are supposed to have come up to town on the occasion. Including its own population, 2,000,000 persons were collected in the metropolis; and every one of these 2,000,000 seemed anxious to obtain a passing glance at the queen.[1] Her predecessors had frequently won for themselves the flattering compliments of their courtiers; she was winning, by her grace and virtue, the disinterested praise of both high and low.

Influenced by a passionate loyalty, the people refused to listen to the arguments of Peel, and supported Melbourne in his decision to rescue his sovereign from the Tories. The Whigs in this way undoubtedly acquired some temporary popularity. They even flattered themselves that they deserved credit for standing by the queen and supporting her against the condition which the Tories wanted to impose upon her.[2] It is singular that they should not have seen that they were risking their sovereign's popularity and their own characters by doing so. For the sake of maintaining two ladies at Court they were resuming a duty which by their resignations they had declared themselves incompetent to fulfil. For the sake of saving their queen from a disagreeable position they were imposing on her a ministry which in their own judgment was no longer capable of governing. They

[1] For Lord Londonderry's complaint about the coronation see *Hansard*, vol. xlii. p. 543. The coronation of George IV. cost £243,000; of William IV., £45,000; of Victoria, £70,000. Ibid., vol. xliii. p. 1304.

[2] *Palmerston*, vol. ii. p. 290.

were sacrificing the greater for the smaller: the substance for the shadow: the welfare of a nation for the comfort of a lady. Nothing but discomfiture to their party and humiliation to themselves could result from their decision. By their own confession they were unable to stand alone; and they were sheltering themselves behind the petticoats of their wives and their sisters.

The Whigs resume office.

In the first instance all the ministers resumed their old offices. A fortnight's delay in the business of the State was the only visible result of the crisis of 1839. A notable change, however, was immediately effected in the appearance of the House of Commons. Abercromby had retained the Speakership since the commencement of 1835; his election had given the Whigs their first victory in the new Parliament; his presidency was a symbol of Whig superiority. Abercromby was an admirable type of the Whig Ministry which had placed him in the chair. No one doubted the excellence and liberality of his opinions, but every one admitted that he failed as Speaker. It would be unfair to hold Abercromby responsible for the scenes of constant disorder which characterised the debates of 1835 and 1836. Political passions ran high during the period; political parties were evenly balanced; and there were men in the House, like O'Connell and Stanley, who did not mince the language in which they denounced their opponents. A firm Speaker might have been unable to quell the storm which was continually surging around him. Abercromby proved unable even to moderate its violence. Recognising his failure, after a short experience in the chair, he desired to escape from his position, and at Christmas 1836 expressed to the ministry his anxiety to resign.[1] Melbourne and Russell dissuaded him from doing so, and Abercromby consented to remain in office. One of the earliest debates in the new Parliament of 1837 proved his incapacity. He became involved in a dispute upon a question of order; and the House paid no attention to his

Abercromby retires from the Speakership.

[1] *Melbourne*, vol. ii. p. 217.

ruling. The unfortunate Speaker publicly complained of the indignity which he suffered;[1] and his complaint for a short time won for him a little more attention. His incapacity, however, was soon evident. He declared that his decisions were not supported by Russell; and in January 1838 was with difficulty persuaded to continue in the chair.[2] On the 1st of May 1839 he was again involved in a dispute with the House. His ruling was questioned. Russell and the ministers sat silently by without coming to his rescue; and the Speaker declared that his health was no longer equal to his duties,[3] and that he was resolved to resign. His resolution to do so caused the ministry some embarrassment. Spring Rice had long desired the Speakership. Spring Rice, however, had made himself obnoxious to advanced Liberals, who disliked his colourless opinions[4] and distrusted his irresolute finance.[5] The ministers had the mortification of discovering that they had no chance of carrying Rice against a Tory candidate. Instead, therefore, of proposing Rice, the Government selected a younger man, whose name has been already mentioned in this history—Mr. Lefevre, the elder brother of John Lefevre, one of the "three despots of Somerset House." Like Addington, before his appointment to the chair, Lefevre had never taken any leading part in parliamentary debate, but, like Addington, he was admirably qualified to preside over a mixed assembly of Liberals and Conservatives. The former recognised in him a consistent Liberal; the latter saw in him a better specimen of a country gentleman than they could find on their own benches; while both Liberals and Conservatives were ready to acknowledge his sense, his temper, and his tact. Taller and broader than Peel, moreover, he looked every inch the Speaker; while a loud and musical voice enabled him to enforce attention to his rulings without exertion or passion. It was impossible to hope that any Speaker would be unanimously elected in a

[1] *Hansard*, vol. xxxix. p. 746.
[2] *Melbourne*, vol. ii. p. 293.
[3] *Hansard*, vol. xlvii. pp. 703, 870.
[4] *Melbourne*, vol. ii. p. 296.
[5] *Greville*, vol. iii. p. 376,

divided Parliament. The Conservatives put up Goulburn for the chair. But this show of opposition was serviceable to the ministry. On the Jamaica Bill they had secured a majority of only five votes. They carried Lefevre's election by 317 votes to 299.[1]

Mr. Lefevre elected Speaker.

Ministers had signalised their return to office by winning a new victory. The victory, however, was one which in no way diminished their difficulties. It was a comparatively easy matter to secure the support of the Radicals in a contest for the Speakership; but the ministry was anxious to ascertain, not what the Radicals thought of Lefevre, but how they proposed to vote about Jamaica. Technically the House had agreed, by a small majority, to proceed with the Jamaica Bill Ministers, however, could not venture to press on a measure which they had admitted, by their resignations, was not acceptable. The bill was withdrawn; and, on the 30th of May, Labouchere[2] was instructed to introduce a second proposal for dealing with the refractory colony. The first bill had temporarily suspended constitutional government in the island; the second gave the Jamaica Legislature a respite in order to enable it to deal with the crisis. The *locus pœnitentiæ*, as the respite was inaccurately called at the time, only extended to the 1st of the following October. Its proposal conciliated neither planter nor Conservative. On the 7th of June, Burge, the agent of the colony, was heard at the Bar against the bill;[3] and on the 10th of June the House considered the measure in committee. The main struggle occurred on the first clause, which empowered the Governor in Council after the 1st of October to make ordinances on the subject of contracts for labour, vagrancy, and the occupation of waste lands. The Conservatives used their utmost efforts to secure its rejection. In the first instance they were beaten in their attempt by 228 votes to 194;[4] and the ministers, encouraged by the support of the largest majority which they had secured for years, pressed

The second Jamaica Bill.

[1] *Hansard*, vol. xlvii. p. 1050.
[2] Ibid., p. 1105.
[3] Ibid., vol. l., appx., p. 107.
[4] Ibid., vol. xlviii. p. 129.

forward the bill. Every day's delay, however, convinced the House that the best chance of securing the measure a good reception in Jamaica lay in the omission of the clause. After the bill had passed through all its stages, the omission of the clause was moved by Goulburn; the leading Radicals stayed away; and the Conservatives were beaten by only 267 votes to 257.[1] Such a division made the fate of the bill certain. On the 2nd of July the Lords expunged the clause by 149 votes to 80.[2] The bill, thus amended, was deprived of the cause of its being; but the ministers were compelled to accept the half loaf which the Lords were offering them. Statesmen who consent to carry on a Government without the confidence of the House of Commons, and in opposition to a majority of the Lords, must expect reverses of this description.

The Irish Municipal Bill again lost.

Jamaica, however, was not the only subject on which the Whig Ministry suffered a reverse. Ever since 1835 it had vainly endeavoured to carry a measure of municipal reform for Ireland. In 1839 it advised the queen, in opening the session, to declare that such a reform was "essential to the interests" of Ireland. The words implied that the ministry was determined to force the measure through Parliament. It had the mortification to see that the bill which Morpeth introduced for the purpose met the fate of all its predecessors. Recast by the Peers, it was abandoned by the Commons.[3] The colonial policy of the ministry was thus reversed; its domestic policy was defeated; and the session of 1839 seemed likely to be recollected as a barren period. Its character was, however, redeemed by two measures, which were almost forced on the ministry, but which, in their ultimate consequences, were productive of more advantage than a struggle with a colony or even a measure of municipal reform. In 1839 the cause of elementary education won its first con-

[1] *Hansard*, vol. xlviii. p. 524. [2] Ibid., p. 1151.

[3] For the bill see ibid., vol. xlv. p. 360. For the Lords' amendments, ibid., vol. xlix. p. 763. Among other amendments, the Lords rejected a clause transferring to the new municipalities the powers hitherto exercised by grand juries of levying money. The Speaker held that the amendment was inconsistent with the Commons' privileges. Ibid., vol. l. p. 3; and cf. ibid., p. 207.

siderable triumph in England: in 1839 a penny postage was finally adopted.

It has been already stated that the Whig Ministry had succeeded in 1832 in introducing a new system of education into Ireland. An Education Board had been formed, composed both of Roman Catholics and Protestants, under which all the State-aided schools had been placed. Protestants in Parliament had received the bill with a shout of indignation. The "brats at school" were to be deprived of the Bible; and the Bible, the whole Bible, and nothing but the Bible, was the uncompromising cry which was raised by these legislators. They should have recollected the example of the good Christian missionary who fourteen centuries before had translated the Scriptures for the Goths, and who had discreetly omitted the four books of Kings, which, he wisely thought, "might tend to irritate the fierce and sanguinary spirit of the barbarians."[1] Fortunately for Ireland the members of the New Education Board disregarded the clamour of Irish Tories, and adapted their proceedings to the precedent of the early missionary. The Government had placed on the Board two men who might have made themselves the powerful agents of evil, but who became the constant counsellors of wisdom and good. One of them, Whately, the Protestant Archbishop of Dublin, has acquired a reputation by his literary achievements which will make his name familiar to future generations of his fellow-countrymen. The other, Murray, the Roman Catholic Archbishop of Dublin, has left no similar works behind him by which his memory will be preserved. Yet Murray, like Whately, possessed the broad and tolerant mind which is, unfortunately, the rarest quality in a Christian prelate. These two men, the Roman Catholic and the Protestant, both consented to serve on the Irish Education Board. They exhibited on the Board an example as admirable as it was new. Prelates of rival sects, they honestly endeavoured to find some common ground on which they could both stand. They succeeded so well that

Elementary education.

[1] See the account of Ulphilas in Gibbon's *Decline and Fall*, chap. xxxvii.

they agreed on an expurgated copy of the Bible which they were both willing to have read in schools attended by Roman Catholic and Protestant children.

Attacks upon the Irish Education Board.

The success which Murray and Whately achieved, and which resisted the attacks of more bigoted sectarians for twenty years,[1] forms a bright feature in the history of Christianity during the nineteenth century. Surrounded by narrow-minded partisans, the story of whose quarrels must be deferred to a later page, who were endeavouring to maintain a church on a system of exclusion, Murray and Whately accomplished an agreement which seemed almost impracticable. Their conduct ought to have received the warm approval of their contemporaries; instead of doing so, it drew down upon them a formidable attack. Dr. M'Hale, the Roman Catholic Archbishop of Tuam, denounced the books which had been prepared by Whately and approved by Murray as most pernicious volumes.[2] Phillpotts, the reckless prelate, whose speeches were distinguished for violence in an assembly which reckoned among its members a Londonderry, a Winchilsea, and a Brougham, denounced the conduct of the Board in the House of Lords. His efforts were warmly seconded in both Houses of the Legislature by men who were not much more temperate than himself. Public money, it was again and again asserted, was being spent on the promulgation of Roman Catholic tenets; monks and nuns had actually been entrusted with the work of education; and, at one school at least, some Protestant children had been tempted to witness the celebration of the mass.[3] Moved by the constant attacks made upon the system, Melbourne, in 1837, consented to refer the whole matter to a select committee.[4] The committee's investigations did not moderate the rage of Phillpotts; and, in 1838, the

[1] For its termination see *Whately*, vol. ii. pp. 264–280; and cf. Blackburne's Life.

[2] *Hansard*, vol. xliii. p. 268.

[3] Ibid., vol. xxix. pp. 462, 464; and vol. xxxv. pp. 1013–1021. The references are, however, only samples of those which might easily be given.

[4] Ibid., vol. xxxvi. p. 1105.

Irish Education Board again became the subject of his uncompromising invective.[1]

In the meanwhile, however, the cause of education was making steady progress. In Ireland the Education Board, notwithstanding the attacks of Dr. M'Hale and Phillpotts, was at any rate educating 160,000 or 170,000 children.[2]

Elementary education in England.

In England advanced thinkers were constantly demanding some adequate machinery for instructing the rising generation of the English people. The ample returns which Brougham had succeeded in obtaining in 1818 stood dusty and neglected on the shelves of the public libraries. Here and there some good Englishman either built or endowed a school, and had the satisfaction of seeing a few poor children, clad in a scrupulously neat and antiquated livery, placed, Sunday after Sunday, in some prominent position in the parish church to sit patiently listening to a sermon which they could not hear, or which if they heard they could not understand. The inquirer who cared to follow these exemplary scholars into the schoolroom usually found that attendance at church was regarded as of more importance than a knowledge of reading. "The official person" had not yet arisen who, in Carlyle's language, was to announce "that, after thirteen centuries of waiting, he, the official person, and England with him, was minded now to have the mystery of the Alphabetic Letters imparted to all human souls in this realm."[3]

Towards the close of the session of 1833, however, Roebuck had endeavoured to supply the want of which Carlyle six years after complained. He asked the House to pledge itself in the next session to devise some means for the universal and national education of the whole people. His motion was seconded by Grote. It appeared singularly inconvenient to a ministry which was already occupied with allaying the suspicions which the Irish Education Board had excited. Roebuck was persuaded to withdraw the

[1] *Hansard*, vol. xliii. pp. 221, 1212. [2] Ibid., p. 249.
[3] *Carlyle's Works*, vol. x. p. 415.

motion, the ministers themselves undertaking to deal with the matter. A month afterwards, in redemption of their pledge, they proposed and carried a small vote of £20,000. Even this sum was not granted without discussion. Hume desired to appropriate some of the funds of the great charities to the purposes of education. Cobbett, true to his principles of economy, objected to spending anything on education at all. The grant, however, was carried. The ministry employed it, through the agency of the National Society and the British and Foreign School Society, to encourage the building of schoolhouses, doling out the amount in small sums to meet large local grants. In this way some little progress was made. A few schoolhouses were erected where schoolhouses had not previously existed. But the quality of the education was nowhere improved. As neither of the societies which dispensed the grant had any connection with Roman Catholicism, none of the money was expended in educating the children of the Roman Catholic poor. The action of the Government had enabled a feeble ray of light to penetrate into some remote villages. But the feeble ray had hardly in any case relieved the darkness of the surrounding gloom.[1]

First motions for an improved education in a Reformed Parliament.

The grant, which was made for the first time in 1833, was renewed in the succeeding year; and the richest country in Europe annually devoted some £20,000 towards the education of her children. During this period, however, the friends of education did not relax their efforts. In 1834, 1835, and 1837 they obtained select committees to inquire into the subject.[2] In 1837, Brougham, the first politician who had made the subject his own, introduced a bill for establishing an Education Board in London;[3] and, late in the following year, Wyse, the member for Waterford, who was chairman of the Central Society for Education, moved

1 *Hansard*, vol. xx. pp. 139, 166, 733; and vol. xlv. p. 301.
2 Ibid., vol. xxiv. p. 139; vol. xxvi. p. 500; and vol. xxxix. p. 1022.
3 Ibid., vol. xxxix. pp. 432–464.

an address to the Crown with the same object. Wyse's address was only defeated by 74 votes to 70.[1] It was obviously impossible for any ministry to ignore the lessons of this division; and accordingly, in the beginning of 1839, Russell brought forward a scheme for dealing with the matter. Like Brougham and Wyse, he proposed the formation of a Central Board to distribute the money collected for educational purposes by Parliament. The Board, which was to consist of members of the Government, was to be an unpaid committee of the Privy Council. It was to establish a normal school for the education of teachers, who were to receive a religious, moral, general, and industrial education. The grant of £20,000, which Parliament had hitherto made, Russell proposed to increase to £30,000.[2]

The education scheme, 1839.

To ordinary minds the scheme was open to one objection. A sum of £30,000—"a small fraction of the revenue of one day"[3]—was obviously insufficient for the work of educating fifteen millions of people; and it was open to every friend of progress to urge that the ministry was doing too little. "In the same year," sneered Brougham, "in which £30,000 was granted for educating the people, £70,000 was voted for building stables for the queen." This view, however, found few exponents in 1839. The friends of the Church were horrified at a proposal which placed the control of all the elementary schools in the kingdom in the hands of a political body. Up to that time the grant which the Government had made had tended to preserve the monopoly of the Church. A grant which was only made to supplement local contributions was necessarily paid in the great majority of cases to the wealthier sections of society. Under the new system the Church would have no such advantage. There would be no guarantee that the committee of the Privy Council would not spend the money in encouraging the efforts which poor and obscure communities were making to impart some little knowledge to their children, under the guidance of a Dissenting

[1] *Hansard*, vol. xliii. pp. 710, 738. [2] Ibid., vol. xlv. p. 273.
[3] *Carlyle's Collected Works*, vol. x. p. 411.

minister or of a Roman Catholic priest. In the first instance, indeed, the most zealous Churchmen hardly realised all the objections which they afterwards learned to urge against Russell's proposal. Inglis himself, the representative of Oxford University, actually congratulated the country that so little mischief was done by it.[1] Even a little cloud the size of a man's hand was not visible on the parliamentary horizon. Symptoms of the coming storm, however, soon appeared. The ministers drew up an Order in Council for giving effect to their plan. The order had, at any rate, the effect of putting zealous Protestants on their guard. Night after night the table of the House of Commons was laden with petitions against the scheme. Terrified by these petitions, the ministers abandoned their proposal for establishing a normal school.[2] This concession did not conciliate the Opposition. At last, on the 14th of June, Stanley, forgetting that he had himself framed a similar plan for Ireland, attacked the scheme with all the violence of which his eloquence was capable.[3] After three nights' debate the Government only succeeded in defeating him by 280 votes to 275.[4] The Whig majority had again sunk to the exact number which had led to the retirement of the ministry on the Jamaica Bill; and the Conservatives, encouraged by the division, refused to allow the money to be voted till the following Monday. On that day the ministry only succeeded in carrying the vote by 275 votes to 273.[5] Twelve days afterwards the Archbishop of Canterbury moved a series of six resolutions denouncing the scheme. The first of these resolutions was adopted by 229 votes to 118; and the remainder, voted without a division, were embodied in an address to the Crown.[6] The proposal had been adopted in the House of Commons by a slender majority of only two; it had been condemned in the House of Lords by a majority of nearly two to one, and was apparently doomed.

The opposition to it.

[1] *Hansard*, vol. xlv. p. 288.
[2] Ibid., vol. xlvii. p. 1381.
[3] Ibid., vol. xlviii. p. 229.
[4] Ibid., p. 686.
[5] Ibid., p. 793.
[6] Ibid., pp. 1332, 1336.

Yet the ministers persevered with the chief parts of their scheme. They did not cancel the appointment of the committee of the Privy Council. They even ventured to advise the queen to express her regret at the Lords' address; and they moderated the anger of the more reasonable prelates by arranging that the inspectors to be appointed by the Council should be chosen with the approval of the Bishops, and should present their reports to the Bishop of the diocese as well as to the committee of the Privy Council.[1] With these modifications the scheme was carried out. The clergy, with a folly too often characteristic of their profession, in many instances refused to touch a grant which was saddled with conditions to which their consciences could not assent. The National Society called for the subscriptions of Churchmen to enable it to compensate the clergymen who were preferring their consciences to their interests.[2] Virtuous self-sacrifice of this character from its very nature soon ceased to trouble the community. Even clergymen, backed by a wealthy society, discovered that they could do their religion more good than harm by accepting instead of obstinately refusing the proffered assistance of the State. In a short time the Church, instructed by circumstances, succeeded in absorbing the greater portion of the grant, and in increasing its own influence; and the Dissenters complained that a scheme, which had been in the first instance introduced in their interests, and which had been resisted by Churchmen, was unduly favouring the cause of the Established Church.

A modified scheme carried.

The step taken in 1839 marks an advance—a little advance—in the progress of education. At the same time another important victory was obtained by another set of reformers. The knowledge of the community is increased by the interchange of ideas; and the facilities which modern inventions have afforded for the distribution of information have raised the understanding of the people. In

The Post Office.

[1] *Hansard*, vol. xlix. p. 128. *Ann. Reg.*, 1839, Hist., p. 171. *Recollections and Suggestions*, p. 150.

[2] *Ann. Reg.*, 1839, Hist., p. 172.

1839, however, a poor man could not afford to write a letter to a friend at a distance. The Post Office charged fourteen or fifteen pence for conveying a letter from Elgin to London;[1] and fourteen or fifteen pence was the day's wage of an ordinary labourer. The rate of postage was, indeed, only one of the inconveniences which interfered with correspondence. Even in London the letter-boxes for the receipt of letters for the general post were only opened at eight in the morning, and were closed at seven in the evening. The unfortunate person who reached the receiving-box a few minutes after seven was compelled to take his letter home again. Common sense suggested that the boxes might be kept open at any rate till midnight. So revolutionary a proposal was deprecated by the Chancellor of the Exchequer of a Whig Ministry.[2] Its adoption would have seriously interfered with the comfort of the officials in the Post Office; and the comfort of officials was deemed a more important matter than the convenience of the public. Clerks in the Post Office were only employed before nine in the morning and after five o'clock at night. From 9 A.M. to 5 P.M. they were their own masters, free to accept other employment.[3] It was obviously the interest of these gentlemen to prevent the despatch of a second mail in the day. In consequence of there being no second mail, letters which passed through London were commonly delayed for the best part of twenty-four hours; or, if a Sunday happened to intervene, forty-eight hours. "A letter written at Uxbridge after the close of the Post Office on Friday night," was "not delivered at Gravesend, a distance less than forty miles, earlier than Tuesday morning."[4]

Expense and delay were the common characteristics of the system; but graver charges were concurrently urged against the department. The money order office, for instance, was a private establishment, whose managers were allowed to charge the public eightpence in the pound, and were not in the habit

[1] *Hansard*, vol. xxxix. p. 376.
[2] Ibid., vol. xxxv. p. 422; and vol. xxxvii. p. 810.
[3] Ibid., vol. xxxv. p. 420. [4] Hill's *Post Office Reform*, p. 51.

of rendering any accounts to the Postmaster-General. The solicitor of the Post Office was paid by fees, and had, therefore, a direct pecuniary interest in encouraging litigation. The department exercised the right of opening any letters which passed through it, to see if they had been posted at the places at which they were written. It was generally believed that it was a common practice in the country offices to break the seals of the letters and to read their contents.[1] Abuses of this character naturally attracted attention in a reformed Parliament. Wallace, the member for Greenock, moved for an inquiry into the working of the department in 1834. He repeated his motion in 1835. The ministry, unable to answer his arguments, and reluctant to concede a committee, offered to appoint a commission; and, on the recommendation of the commission, introduced a bill in 1836 to abolish the office of Postmaster-General, and to place the office under commissioners.[2]

The House of Commons had now ascertained the full extent of the reform which the Government was willing to concede. It was willing to place an office hitherto regulated by an amiable nobleman under three commissioners of its own choosing. The people were complaining that the coach would not run at all. The wheels were out of order; the springs were broken; the body was inconvenient and lumbersome; and the fares were prohibitive; and the ministry gravely proposed to change the coachman. A few months after this decision a young man, whose name was unknown beyond a narrow social circle, published a pamphlet on "Post Office Reform: its Importance and Practicability." Rowland Hill, the author of this pamphlet, was the son of Thomas Hugh Hill, a Birmingham schoolmaster. Rowland Hill observed that, while the population and wealth of the country were increasing, the Post Office revenue was slowly declining. A little reflection satisfied him that, as the consumption of all other

The commission of 1835.

Rowland Hill publishes his "Post Office Reform."

[1] *Hansard*, vol. xx. p. 369; vol. xxix. p. 376; and vol. xxxix. p. 503.
[2] Ibid., vol. xxiv. p. 855; vol. xxix. pp. 372, 395; vol. xxxv. p. 418.

commodities increased when the taxation upon them was reduced, a general reduction in the rates of postage would ensure a similar increase in the business of the Post Office. By carefully analysing the accounts of the department he discovered that many expenses which it incurred were only indirectly connected with the conveyance of letters, and that the cost of carrying a letter for a long distance was almost inappreciably greater than the cost of carrying it a short distance.[1] These discoveries pointed to the adoption of a uniform rate of postage throughout the country. But a low rate of postage was obviously impossible without a radical change of system. In 1839 the postage upon letters was never prepaid. The clerks in the Post Office were compelled to estimate the postage of each letter, one by one, on its passage through the post. As these rates depended on minute calculations, they necessarily absorbed a large staff of persons in making them. But the eccentricities of the system did not end with these calculations.[2] The letter carrier, in delivering the letters, had to collect the postage on each letter. It took, on an average, two minutes to deliver a letter under this system in a London street. With the genius instinctive in a true administrator Hill at once saw that all these complicated arrangements could be superseded on the adoption of a uniform rate of postage. If all letters were charged the same rate the calculations which the Post Office had at present to undertake would be unnecessary. If all letters were prepaid the letter carrier, instead of demanding the postage at every door, could place them in a slit or box in the door and pass on to the next house. Simplicity and economy could be introduced by the adoption of these expedients; and the Post Office, so Hill declared, would be able to carry a letter to any place in the United Kingdom for a charge of a penny.

These arguments, concisely and clearly explained in "Post Office Reform," made a great impression on the people. Wallace, in the House of Commons, and Brougham, in the House of Lords, drew attention to Hill's scheme.[3] Lord

[1] See pamphlet, pp. 16, 17, 18. [2] Ibid., p. 23.
[3] *Hansard*, vol. xxxviii. p. 755; and vol. xxxix. p. 1201.

Lichfield, who presided over the Post Office, thought it necessary to correct the errors into which Hill, as he imagined, had fallen. Postage, he argued, was only paid on 42,000,000 letters. But, if the public were to continue to derive its existing profit from the post under Hill's scheme, it would be necessary for the department to carry, not 42,000,000, but 480,000,000 letters.[1] To the mind of an official like Lichfield it seemed only necessary to state this fact to expose the absurdity of the whole plan. Where were the people who were to write this prodigious mass of letters? Where was the building which, if they were written, would be able to contain the daily quota of the whole? There was no reason for supposing that the scheme would succeed. But its success would ensure its failure. The Post Office would be smothered by the correspondence which it had attracted; and the whole machinery of the department would break down under the undue strain. Hill quietly replied that he "never yet heard of a merchant, a manufacturer, or a trader, possessed of sufficient capital and other adequate means, being frightened lest his business should become too large."[2] The people insisted on Hill's scheme being tried; and the ministry, after vainly endeavouring to defeat the demand by reviving its favourite scheme for placing the Post Office under commissioners,[3] found it necessary to give way, and to refer Hill's scheme to a select committee.

Hill's scheme referred to a select committee.

The committee to which Hill's scheme was referred proved almost as timid as Lichfield. It shrank from recommending so radical a reduction in the postal rates as that which Hill had recommended, and it substituted a twopenny for a uniform penny rate.[4] Fortunately, ministers overruled this suggestion. They had not much inclination to adopt Hill's plan, but they preferred the whole measure which had been recommended by Hill to the half measure which had found favour with the committee. They reluctantly made up their minds to reduce

[1] *Hansard*, vol. xxxviii. p. 378.
[2] Preface to the second edition of *Post Office Reform*.
[3] *Hansard*, vol. xliv. pp. 291, 582, 846.
[4] The substance of the report is in *Ann. Reg.*, 1838, Hist., p. 313.

the postage on the 5th of the following December to a uniform rate of fourpence; and, on the 10th of January 1840, to a uniform rate of a penny. Members of Parliament agreed to give up the strange privilege which had been accorded them of receiving and sending their letters post free; and a reform suggested by a man who was almost unknown, and enforced on an unwilling Government by the clamour of a nation, was thus adopted.

The adoption of penny postage.

In one respect Hill's anticipations were not verified. The net revenue of the Post Office fell from £1,649,000 in 1839 to £495,000 in 1840,[1] and the country, therefore, lost more than £1,000,000 a year by the change which it had made. But the loss was reduced year by year in consequence of the rapidly increasing business of the Post Office. Thirty-five years after the adoption of Hill's reform the Post Office carried 962,000,000 letters, or twice the number which Lichfield had ridiculed as an impossibility; and, under the improved system which Hill had originated, the whole of this vast business was transacted with a speed, a rapidity, and an accuracy which would have seemed impossible in 1839. People in every part of the country were able to communicate with one another at a cost which even a day labourer could afford. The man of business found new opportunities for promoting his trade; the man of pleasure obtained fresh means of devising the amusements which were the occupation of his leisure; the man of letters alone regretted that, in the increased facilities for correspondence, the art of letter-writing was lost. When every letter on an average cost its receiver a shilling, the writer endeavoured to make it worth the shilling which it cost. Letters were commonly written with a care which is now reserved for essays; and the best letter-writers produced unconsciously some of the purest literature in the language. The best picture which has come down to the nineteenth century of the history and manners of the upper classes of the eighteenth century is to be found in the letters of Horace Walpole. The best account in the English

[1] *Porter's Progress of the Nation*, p. 722.

language of the natural objects of a rural district is in the letters of a country curate to his distant friends. Writers of fiction were insensibly influenced by the prevailing fashion. Richardson makes Clarissa relate her sorrows, Miss Burney makes Evelina tell her adventures, in a series of letters. The penny postage has made the voluminous epistles of Clarissa and Evelina impossible expedients for future novelists, just as it has made it impossible to hope for a future Horace Walpole or a future White. Brevity is the chief art which is studied by the modern letter-writer; and to this one end grammar, style, and wit are all usually sacrificed.

These reflections, however, did not occur to the timid ministers who reluctantly adopted Hill's reform. They were occupied with a much more practical consideration. The reduction in the rate of postage might or might not prove beneficial to the country; but its immediate effect would be perceptible enough on the revenue; and, unfortunately, the finances of the country were in a condition which required the attention of statesmen. In 1836 Spring Rice had placed the income of the country at £46,980,000, the expenditure at £46,316,000.[1] Notwithstanding the alterations which he made in his Budget the revenue amounted to £48,453,000, the expenditure to £46,589,000.[2] In 1837 the expenditure was placed at £46,631,000; while the revenue, affected by the reductions made in the newspaper tax in 1836, and by the crisis which had paralysed trade in the previous autumn, was computed at only £47,240,000. Rice declined under the circumstances to make any reductions in taxation. His prudence was fortunate. Troubles in Canada, complications (which will be related in the ensuing chapter) in Eastern Europe, increased the expenditure of the nation. The distress both of the agricultural and commercial classes diminished its resources. The revenue of the year shrank to £46,090,000; the expenses of the nation were increased to

Finance.

[1] See *ante*, p. 77.

[2] *Hansard*, vol. xxxviii. p. 1717. The expenditure includes the sum required towards the payment of the interest on the West Indian Compensation Loan.

£47,519,000. It seemed probable that the years of surpluses were over; that the years of deficits had begun.

The Budget of 1838 was as unsatisfactory as the Budget of 1837. The expenditure, swollen by the causes which had raised it in the previous year, was placed at £47,479,000;[1] the revenue still affected by stagnant trade and agricultural distress, was estimated at only £47,271,000. Spring Rice commenced the year with a probable deficit of £208,000. There was, however, one feature about Spring Rice's financial statements which might have afforded timid bystanders a little encouragement. The figures with which his speeches bristled looked unanswerable, but they had a singular tendency to answer themselves. His surpluses turned into deficits, his deficits into surpluses. In

The Budget of 1838.

[1] The figures in the Budgets are as follows:—

Revenue.		*Expenditure.*	
1836–7.		1836–7.	
Customs	£20,540,000	Debt and Consol. Fund	£30,620,000
Excise	14,150,000	Army	14,585,000
Stamps	7,000,000	Navy	
Taxes	3,575,000	Ordnance	
Post Office	1,540,000	Miscellaneous	
Miscellaneous	175,000	West Indies	1,111,000
Total	£46,980,000	Total	£46,316,000
1837–8.		1837–8.	
Customs	£21,100,000	Debt and Consol. Fund	£30,890,000
Excise	13,800,000	Army	6,401,000
Stamps	6,800,000	Navy	4,688,000
Taxes	3,710,000	Ordnance	1,302,000
Post Office	1,660,000	Miscellaneous	2,504,000
Miscellaneous	170,000	West Indies	846,000
Total	£47,240,000	Total	£46,631,000
1838–9.		1838–9.	
Customs	£20,796,000	Debt and Consol. Fund	£31,750,000
Excise	13,902,000	Army	6,823,000
Stamps	7,002,000	Navy	4,812,000
Taxes	3,654,000	Ordnance	1,547,000
Post Office	1,638,000	Miscellaneous	2,547,000
Miscellaneous	279,000		
Total	£47,271,000	Total	£47,479,000

—Cf. *Hansard*, vol. xxxviii. p. 1714; vol. xlii. p. 1306; and vol. xlviii. p. 1343. There are mistakes in all the reports, which it is possible to correct by collating them.

1837 he had expected £47,240,000, and he had received only £46,090,000. In 1838 he expected £47,271,000, and he received £47,833,000. Fortune had proved, in one sense, favourable to Spring Rice. Unluckily, however, the continual requirements of the War Office in dealing with the crisis in America disarranged his balance-sheet. The expenditure, which had been placed at only £47,479,000, rose to £48,233,000. One error in the estimates had corrected the other, and left the minister with only a slightly larger deficit than he had originally anticipated. In 1839 Rice placed the revenue at £48,128,000; the expenditure, including an extraordinary demand for Canada, at £48,988,000. The Canadian expenditure, however, was not likely to become a permanent charge. An unpopular financier in a weak ministry did not contemplate the imposition of any new tax to cover it. On the contrary, he increased his embarrassments by abandoning the high postal rates. The greatness of the boon which was thus conferred on the country ought not to blind future generations to the recklessness of the financier who conceded it. Careless finance of this character had not been seen since the days of Vansittart. After the fall of the Melbourne Ministry it was not seen for nearly forty years.[1]

The Budget of 1839.

Spring Rice had proposed his last Budget. At the close of the session he seized the opportunity, which Sir John Newport's retirement afforded him, of exchanging the House of Commons and the Treasury for the Comptrollership of the Exchequer and the House of Lords. Francis Baring, the Secretary to the Treasury, was selected as his successor

Changes in the ministry.

[1] The estimates for the year 1839-40 were:—

Revenue.		*Expenditure.*	
Customs	£21,500,000	Debt and Consol. Fund	£31,843,000
Excise	13,845,000	Army	6,563,000
Stamps	7,054,000	Navy	5,197,000
Taxes	3,694,000	Ordnance	1,732,000
Post Office	1,585,000	Miscellaneous	2,653,000
Miscellaneous	450,000	Canada	1,000,000
Total	£48,128,000	Total	£48,988,000

—*Hansard*, vol. xlviii. pp. 1351–1354.

At the same time a greater change was made in the composition of the ministry. Normanby had proved no more satisfactory than Glenelg in the management of the Colonial Office; and, on the advice of Russell,[1] the ministry decided on placing the only competent administrator in the Cabinet in the place of difficulty. Russell accordingly became Colonial Minister, and Normanby replaced Russell at the Home Office. The changes which were thus made were by no means satisfactory to the Whig party. The more earnest Whigs thought that advantage should have been taken of the opportunity to regain the support which the ministry had lost, and that, instead of merely shuffling the cards, the Government should have endeavoured to introduce new players into the game. This view was expressly held by the group of statesmen who were directly connected with Lord Grey. Lord Howick,[2] dissatisfied with the policy of the ministry, retired from the War Office; his brother-in-law, Mr. Wood, resigned the Secretaryship to the Admiralty; and his cousin, Sir George Grey, refused promotion to the Cabinet. In Lord Howick's place the ministry succeeded in securing the services of the brilliant writer who had raised himself by a few set speeches on Reform to the first rank among the orators of his time. Macaulay, who had returned from India a few months before, became Secretary at War and member for Edinburgh.[3]

Reconstructed in this way, the Whig Ministry again met Parliament on the 16th of January 1840. The meeting took place under circumstances which had been unexampled for more than twenty years. Complications (to be related in the succeeding chapter) had occurred in Eastern Europe. Wars, or misunderstandings threatening war, had concurrently broken out in Persia, Afghanistan, and China.

The difficulties of 1840.

1 Torrens' *Melbourne*, vol. ii. p. 311. Much to Lord Russell's credit he suppressed the reasons for the change in *Recollections and Suggestions*, p. 198, and attributed it to a desire to meet Normanby's views.

2 Lord Howick explained his reasons in *Hansard*, vol. li. p. 768. Cf. Torrens' *Melbourne*, vol. ii. pp. 310, 312; and *Russell*, vol. i. p. 356, where Lord Howick's reasons for retiring are fully explained.

3 Torrens' *Melbourne*, vol. ii. p. 314.

Abroad the future seemed everywhere uncertain; at home commercial embarrassments had restricted the trade of the country, and increased the distresses of the labouring poor. Embarrassment and distress had led to a deficit in the revenue, and the change from dear to cheap postage had aggravated the difficulty. Disorders were again resulting from poverty. A miserable population, despairing of obtaining relief, was arrayed in a new and formidable organisation against the ruling classes; and riots, unfortunately attended with loss of life, were occurring at Newport and at Birmingham. The story of the great social movement which is comprised in the history of Chartism is of greater importance than the disputes of Whigs and of Tories, than the rivalry of Russell and of Peel. But the account of it will fall more conveniently within a later section of this work. The views, indeed, which the Chartists were urging were only imperfectly understood in Parliament in 1839. There the majority was much more keenly impressed with the necessity for preserving order than with the expediency of listening to a miserable and unrepresented people. From a Conservative point of view the ministry had failed to maintain peace abroad or quiet at home, and was consequently unworthy of the confidence of the House of Commons. On the 28th of January, Sir John Yarde Buller, a baronet whose amiable character and whose steady support of Conservative principles was rewarded towards the close of a long career by his advancement to the peerage, embodied this feeling in a direct vote of want of confidence. For four consecutive nights the debate, which Buller originated, was continued by greater orators. But the Radicals, though they distrusted the ministry, declined to join the Conservatives, and the Government was able to defeat the motion by 308 votes to 287.[1] A small majority—on which, however, no dependence could be placed—enabled the Whigs to remain in office.

Buller proposes a vote of want of confidence in the ministry.

The majority was a little greater than that by which the

[1] *Hansard*, vol. li. pp. 650, 1073.

Whig Ministry had been usually supported. But the slight support which the ministry received in the Commons, the helpless position in which it was placed in the Lords, disabled it from carrying any useful legislation. It was obvious to every one that the session of 1840 would be singularly barren of results. It happened that a case of parliamentary privilege diverted attention from the ordinary business of the Legislature, and, to some extent, excused the inability of the Government to devote its time to other subjects. Up to 1835 the reports and papers which were published by Parliament were not accessible to the general public. It was presumed that the information which was thus obtained was intended for the guidance of the Legislature alone. These pretensions became more and more impossible after the Reform Bill. The newspapers exercised a constantly increasing influence on the proceedings of the Legislature; and newspaper proprietors naturally objected to be dependent for their information on the favour of individual members of Parliament. In 1835, in accordance with the recommendation of a committee, the House of Commons decided that the papers published under its orders should be sold at a cheap rate. The decision, at the time, attracted very little attention. Noble lords, indeed, like Brougham sneered at "the libel shop"[1] which the Commons had opened. Such a sneer should not have come from the man who in earlier and better days had justly prided himself on the part which he had taken in promoting the diffusion of useful knowledge in penny magazines and penny encyclopædias. Wise men see the direction of the wind in the movement of a straw; and wise men may trace a fresh victory of freedom in such a small matter as the publication and sale of parliamentary papers.

The publication of parliamentary papers.

In the year in which the House of Commons arrived at this decision Parliament, on the advice of Russell, passed a bill which authorised the Home Office to appoint two inspectors of prisons. The inspectors, among other duties, were desired

[1] *Hansard*, vol. xlvi. p. 219.

annually to report on the prisons which they visited. In their first report they mentioned that they had found in Newgate a book, published by Messrs. Stockdale, on the generative system. The inspectors considered the book "disgusting," its plates "indecent and obscene." Their report was referred to the Court of Aldermen; and these worthy citizens, instead of closing the controversy by forbidding the book, defended it as a scientific treatise.[1] The inspectors, inexperienced in their office, repeated their charge, and declared that the book was one which was "intended to take young men in by inducing them to give an exorbitant price for an indecent work."[2] The common sense view that, decent or indecent, scientific or obscene, a work on the generative system was not necessary or desirable literature for prisoners, does not seem to have occurred to these officials.

The report of the inspectors of prisons.

Stockdale was naturally annoyed at the attack made upon the book. The inspectors' opinion was published by Messrs. Hansard, and sold to the public at the Commons' "libel shop." Stockdale was advised to bring an action against Hansard for publishing the report. Hansard, acting under the instructions of the House of Commons, pleaded, first, that the publication was privileged, and second, that the libel was true. The issue was tried by Denman, the Chief-Justice of the King's Bench, on the 8th of February 1837. The jury thought that the libel was justified by the indecent and objectionable nature of the work, and found for the defendant on the second issue. The question of privilege was thus avoided by the jury. But the point which the jury had avoided was distinctly raised by the judge, who declared, in his charge, that "whatever arrangements may be made between the House of Commons and any publishers whom they may employ, I am of opinion that the person who publishes that in his public shop, and especially for money, which can be injurious and possibly ruinous to any one of his Majesty's subjects, must answer in a court of justice

The case of Stockdale *v.* Hansard.

[1] Parl. Papers, 1835, vol. xlii. p. 235.
[2] Ibid., p. 285.

to that subject, if he challenges him for that libel."[1] The Chief-Justice of the King's Bench had thrown out a challenge to the House of Commons. The House, on Russell's motion, readily accepted the combat. It resolved, after receiving the report of a committee appointed to examine the question, that the power of publishing such of its reports, votes, and proceedings as it shall deem necessary is an essential incident to the constitutional functions of Parliament; that, by the law and privilege of Parliament, this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges; that the institution of any suit for the purpose of bringing them under discussion before any other court is a high breach of such privilege; and that for any court or tribunal to decide upon matters of privilege inconsistent with the determination of either House of Parliament, is a breach and contempt of the privileges of Parliament.[2] Perhaps a little beginning had never led to so mighty an end. Prisoners, in a wretchedly managed prison, had been allowed to read a work which, decent or indecent, could by no possibility be of service to them; and the highest authorities in the kingdom had rushed into strange warfare on the side issues which the question had indirectly raised. In the olden times parturient mountains brought forth a mouse. It was the strange fate of 1837 to see the mouse rock the mountain.

The resolutions of the House of Commons respecting privilege.

A bold man might have been turned from his purpose by the fierce attitude of the House of Commons. Stockdale, instead of being awed by it, went to Hansard's, bought a second copy of the prison inspectors' report, and brought a second action of defamation against the publisher. Stockdale had openly done what the House of Commons had formally declared that it was a high breach of its privileges for any one to do; and the House, within eight days of its former resolution, directed the Attorney-

Stockdale brings his second action.

[1] *Denman*, vol. ii. p. 49.

[2] The resolutions were carried by 126 votes to 36. *Hansard*, vol. xxxviii. p. 1134.

General to plead to the action. It was thought desirable to put a plea on record that Hansard had acted by order of the House of Commons. The new issue which was thus raised was not tried till the spring of 1839. The four judges of the Court of Queen's Bench, Denman, Littledale, Patteson, and Coleridge, unanimously decided against the plea; and Stockdale's damages were assessed at £100. The House of Commons was now placed in a fresh dilemma. According to the resolution solemnly passed in 1837, Stockdale, in instituting his suit, and the Court of Queen's Bench in adjudicating upon it, had committed high breaches of privilege. What then? The House could scarcely order Denman, Littledale, Patteson, and Coleridge to come to its Bar and submit to its reprimand. It could not, on the other hand, appeal against their decision, since the ultimate court of review was the Lords; and the Commons could not submit their privileges for the decision of the Lords. The people out of doors, moreover, were almost unanimously siding with the judges of the Queen's Bench; and the representatives of the nation could not afford to disregard the voice of the people. Instead, then, of acting on the resolutions of 1837, or of appealing against the decision of the Queen's Bench, the House of Commons referred the matter to a committee.[1] The committee did not speak with a very certain voice. The majority of its members[2] thought that the time had arrived for asserting the privileges of the House. The minority, among which were Russell and Peel, was in favour of giving way.[3] The House itself was almost equally divided on the matter. Independent members were inclined to support the committee; but the numerous partisans on both sides were disposed to follow their leaders. By a small majority of only 184 votes to 166 the House adopted a motion, proposed by Russell and supported by Peel, pledging it to take no proceedings for the purpose of staying the execution of judgment.[4]

[1] *Hansard*, vol. xlvii. p. 1213.
[2] The Committee's Report is in ibid., vol. xlviii. p. 301.
[3] Ibid., p. 305.
[4] Ibid., p. 423.

In every stage of the contest the House had hitherto been worsted. The mouse had beaten the mountain; and the mountain, not the mouse, was "ridiculous." If Stockdale had only been satisfied with his £100, however, people might have gradually forgotten the inconsistencies of statesmen; and the great case of Stockdale *v.* Hansard might have been buried peacefully beneath the dust which accumulates on law books. Stockdale, however, having beaten the mountain, naturally thought that he should get more than £100 from the victory. In the autumn of 1839 he again went to Hansard's, bought a third copy of the Prisons Report, and thereupon brought a third action against its publishers. The Attorney-General, acting on the directions of the House, declined to plead to the action, and judgment was accordingly suffered to go by default. Damages were assessed at £600, costs at £40. They were levied by two unfortunate citizens, Evans and Wheelton, who happened to occupy the office of Sheriff; and, on the 11th of January 1840, "Stockdale obtained a rule, returnable on the 17th, ordering the Sheriff to pay over to him the £640" which had thus been levied.[1] The difficulty, temporarily avoided in 1839, had thus recurred in 1840.

Stockdale's third action.

Parliament met on the 16th of January, or on the eve of the day on which the rule was returnable. Russell himself interposed before the debate on the address to present a petition from Hansard, reciting the facts and praying for relief; and suggested that Stockdale, the plaintiff in the action; Howard, his attorney; Evans and Wheelton, the Sheriffs; Burchell, the Deputy Under-Sheriff; and Hemp, the bailiff, should be summoned to the Bar on the following day. The House, unable to see any better way out of the embarrassing situation in which it was placed, adopted the suggestion of its leader.[2] On the morrow the House resolved by 249 votes to 100 that Stockdale had been guilty of a breach

[1] *Denman*, vol. ii. p. 63.

[2] The attendance of Stockdale and Hansard was ordered by 286 votes to 167 (*Hansard*, vol. li. p. 100); the attendance of the Sheriffs by 206 votes to 117. Ibid., p. 101.

of its privileges,[1] and by 239 votes to 135 ordered his committal.[2] Exhausted by its labours, it deferred dealing with the Sheriffs till the following day. The position of the ancient mariner, who tremblingly worked his way between the rock of Scylla and the whirlpool of Charybdis, was nothing to the lot of these unfortunate gentlemen. If they obeyed the orders of the Court of Queen's Bench they were liable to be committed for a breach of privilege by the House of Commons. If they bowed obedience to the House they were liable to be committed for contempt by the Court. The House deliberated on their case on Saturday, the 18th of January. On Monday, the 20th, they ordered the Sheriffs to refund to Hansard the money which they had received for the sale of his goods.[3] The Sheriffs, thinking themselves bound by the order of the Court, declined to do so; and on the following day were committed to the custody of the serjeant-at-arms for refusing.[4]

Stockdale and the Sheriffs committed.

This proceeding brought out, in strong relief, the embarrassments in which the House was involved. Something could be said for the committal of Stockdale; something could have been urged for the committal of the judges of the Queen's Bench; but nothing could be said for the committal of the Sheriffs. It was admitted on all sides that these gentlemen had behaved as men of honour; it was allowed that they had purposely delayed paying the money over to Stockdale,[5] in order that the House might have a fair opportunity of considering the subject; it was not even suggested that they could have pursued a different course from that which they had adopted; and yet the House of Commons had made them the victims—the innocent victims—of its displeasure.[6] The Sheriffs at once applied to the Queen's Bench for a writ of *habeas corpus*. But they had been committed for contempt; and, in cases of committal for contempt, the judges have no power to examine the validity of the writ of commitment.[7]

[1] *Hansard*, vol. li. p. 181.
[2] Ibid., p. 190.
[3] Ibid., p. 343.
[4] Ibid., p. 412.
[5] Ibid., p. 411.
[6] May's *Const. Hist.*, vol. i. p. 453.
[7] *Denman*, vol. ii. p. 65.

Evans and Wheelton were sent back to prison. Some members, however, began to question the decency and propriety of indefinitely punishing two innocent individuals. On the 3rd of February, Darby, a comparatively young man, who had recently been elected for Sussex, declared that "enough had been done for vengeance and too much for justice,"[1] and moved that the Sheriffs should be discharged. The debate was adjourned till Friday, the 7th of February. Darby, opposed by the Government and Peel, was then defeated, and the House by a large majority insisted on pursuing its high-handed proceedings.[2]

In committing Stockdale, and in arresting the Sheriffs, the House probably thought it had settled the question of privilege; it soon discovered that it had done nothing of the kind. On the 27th of January it learned, from a fresh petition from Hansard, that a new action had been brought against him.[3] Howard, the attorney in the cause, had hitherto escaped with a reprimand;[4] he was now arrested and committed to Newgate,[5] where his client, who had hitherto been under the custody of the serjeant-at-arms, was sent to keep him company. In their prison client and attorney had, at any rate, the satisfaction of knowing that they could study at their leisure the great work on the generative system which had been the miserable source of this wretched turmoil. Their committal, indeed, did not stop the fourth suit. Hansard, the defendant to the action, in compliance with the order of the House, declined to plead; and judgment was entered against him in default. Even this victory did not satisfy the irrepressible Stockdale. On the 17th of February the House learned that he had commenced a fifth action. On the same evening it resolved, on Russell's motion, that the Sheriffs, Under-Sheriffs, and others who should aid in the prosecution of such action would be guilty of a contempt of the House and of a

Stockdale's fourth action.

His fifth action.

1 *Hansard*, vol. li. p. 1111.
2 By 165 votes to 94. Ibid., vol. lii. p. 69.
3 Ibid., vol. li. p. 581. 4 Ibid., p. 493. 5 Ibid., p. 1319.

violation of its privileges, and subject themselves to the severe censure and displeasure of the House.[1] On the following evening it sent Howard's son, a lad of nineteen, and Pearce, his clerk, to keep Howard and Stockdale company in Newgate.[2]

Every step which the House had taken, however, rendered its position more and more discreditable. It had commenced by punishing Stockdale; it had concluded by punishing his clerk. The spectacle of the House of Commons committing a boy of nineteen and an obscure clerk in an attorney's office to Newgate was too absurd to be tolerated. People out of doors thought its proceedings too harsh to be defended. The ministry was compelled, for its own sake, to take some steps for settling the difficulty. On the 5th of March Russell introduced a bill to give summary protection to persons employed in the publication of parliamentary papers.[3] The bill was not passed without sharp remonstrance. Sir Thomas Wilde, a profound equity lawyer, who had just accepted the office of Solicitor-General, thought that it affirmed the propriety of the judgment of the Court of Queen's Bench, and led the opposition to its introduction.[4] The spectacle of a law officer opposing the most important proposals of his leader had not been seen in the House of Commons since the memorable occasion when Wetherell had attacked Peel for introducing the Roman Catholic Relief Bill. Wilde, however, did not imitate the indecent language of Wetherell. The reins of discipline were only loosely held in the closing years of the Whig Ministry; and Russell, secure in the support of Peel, submitted to Wilde's independent action. The introduction of the bill was approved by a large majority.[5] It was read a second time without a division on the 9th of March; and, on the 20th of March, it was read a third time and passed.[6] Wearied with a struggle, in which they had incurred humilia-

Russell introduces a bill to settle the question.

[1] *Hansard*, vol. lii. pp. 318, 320, 324.
[2] Ibid., pp. 376, 385.
[3] Ibid., p. 949.
[4] Ibid., p. 960.
[5] Ibid., p. 1026.
[6] Ibid., pp. 1080, 1276.

tion and contempt, most members were only too glad of any measure which afforded them a means of escaping from the dilemma in which they were involved; and all the arguments by which Wilde endeavoured to convince them that the bill virtually surrendered the position for which they had previously contended were as nothing compared with the convenience of accepting it.

The reasons, however, which had influenced the House of Commons had no effect on the Lords. The Lords had not opened a libel shop; the Lords had not been involved in a contest with the Courts. The Lords could safely join with the general public in laughing at the inconsistencies and embarrassments of the Commons. Among the Lords there were many Conservatives who disliked the privilege for which Russell and Peel had contended; there were many Tories who were too glad of an opportunity for bringing the Commons into disrepute; there was, above all, the honest and single-minded Chief-Justice, who was in reality the champion on one side of the question. These various facts made the ministry regard the fate of the bill with apprehension. Luckily for them, however, another circumstance facilitated its progress. The Conservatives were anxious to terminate a struggle which was dividing their party, and which was, therefore, rendering their return to power difficult. The measure, thus relieved from attack, passed, with a few amendments, through the Lords; and the great controversy which had agitated Queen's Bench and Commons for years was peacefully terminated.[1]

The bill passed.

Ministers suffered continuous embarrassment during the progress of these discussions; yet, paradoxical as it may seem, they derived some advantage from the conflict in which they were engaged. The time of the House was occupied with the question of privilege, and its attention was diverted from the other subjects which, in ordinary circumstances, would have engaged its attention. There was, indeed, one matter which the ministers could not afford to neglect. For six years

[1] The debates in the Lords are in *Hansard*, vol. liii. pp. 554, 667, 967.

they had annually produced a measure for the reform of Irish municipalities; and municipal institutions in Ireland were still unreformed. In 1836 they had advised the king to say that reform in Ireland should be based on the same principles as those which had already been applied to English and Scotch corporations. In 1839 they had advised the queen to say that corporation reform in Ireland was a measure of essential importance; and yet, year after year, the Whig Ministry had permitted the Lords to make the Corporation Bill "a mockery, a delusion, and a snare;" and year after year the Commons, unwilling to accept the Lords' amendments, had flung out the mutilated measure.

The Irish Municipal Bill.

Wise from experience, ministers in 1840 did not venture on making the queen declare that municipal reform in Ireland was a measure of essential importance. They contented themselves with inserting in the Speech a short paragraph recommending the state of the municipal corporations of Ireland to the early attention of Parliament.[1] Morpeth, on the 27th of January, obtained leave to introduce a bill on the subject. The bill divided Irish towns into three categories. In the first category were included the larger towns, whose governing bodies were to be elected by the householders rated at £10 a year. The other towns were separated into two lists, the first comprising those which possessed corporate property worth £100 a year, the second consisting of the remainder whose property did not reach that sum. The Viceroy was to be at liberty, on the application of a majority of the inhabitants rated at £8 or upwards, to concede a charter to any one of these towns. In the interval the corporate property of those in the first list was to be entrusted to commissioners appointed under an Act of George IV.; the property of those in the second list was to be placed under the management of the Poor Law guardians.[2] The feeble measure would have been rejected with scorn two years before. In 1840 only a few Tories, who wished to maintain the Protestant supremacy un

[1] *Hansard*, vol. li. p. 3. [2] Ibid., p. 641.

impaired, ventured to oppose it; and the second reading was carried on the 14th of February,[1] the third reading on the 9th of March,[2] by large majorities.

It was open to the Irish to say that the ministry had abandoned the principles for which it was worth while contending, and that, instead of providing Ireland with the remedy which was due to her, it was only offering her the concessions which it was able to extort from the Lords. The Peers, however, were not willing that the boon which Ireland was to receive should be given ungrudgingly. Wellington, indeed, at once assented to the second reading, which, with his assistance, was carried by a large majority.[3] But this victory did not secure the success of the bill. Lyndhurst insisted in committee on various amendments, which preserved the rights of freemen and raised the franchise in the smaller towns to £10,[4] and, with these and other alterations, the bill at last passed. The most intolerant Protestant might have reflected with shame on the narrow measure of justice which had been meted out to Ireland. An English Bishop, on the contrary, had the bigotry to protest against the measure to the last, "because by this wilful and deliberate abandonment of the cause of true religion . . . . we have provoked the justice of Almighty God, and have given too much reason to apprehend the visitation of Divine vengeance for this presumptuous act of national disobedience."[5] The warlike Bishop who entered this protest on the journals of the Lords did not, it may charitably be hoped, realise the blasphemy of which he was guilty. And yet what blasphemy can be so great as to impute to the Deity a desire to perpetuate a system founded on monopoly, corruption, and sectarianism?[6] If the religion

It passes, with a protest from Phillpotts.

[1] By 149 votes to 14. *Hansard*, vol. liii. p. 273.

[2] By 182 votes to 34. Ibid., p. 1068.

[3] Ibid., vol. liii. pp. 1164, 1180.

[4] Ibid., vol. lv. pp. 183-191.

[5] Phillpotts, Bishop of Exeter. Ibid., p. 1177.

[6] Inglis, who was, if possible, more intolerant than Phillpotts, admitted the monopoly, corruption, and sectarianism: "As regarded the first, it was a question of law; the second had been admitted, and he should waive it; but as to the third, he maintained that these bodies had been established for a

of the Bishop be, indeed, dependent on corruption and abuse, if the Deity of the Bishop inflicts his vengeance on those who try to enfranchise the poor, it is time for every honest man to inquire whether the God of the Bishop is the God of the Gospel; and whether the great founder of Christianity, who, on this earth, advocated the rights of the needy, ever expressed the opinions which his mitred, titled, and wealthy worshippers have the presumption to ascribe to him.

After five years of waiting, however, the Irish had at last succeeded in obtaining from a reformed Parliament the advantage of elective governing bodies in their largest towns. There was one other subject on which legislation could not safely be postponed. Ever since the meeting of Parliament in the autumn of 1837, and the memorable debates on the proceedings of the "Spottiswoode gang," and on O'Connell's breach of privilege, attention had been forcibly directed to the unfair nature of election committees, and the special injustice which the Irish registration law inflicted on Irish members. No Government could safely leave the law unremedied. It was hard enough on the Irish that every voter in Ireland should have his vote regularly tested by the revising barrister, and that no one should be able to say positively whether the decision of the revising barrister could be reviewed by a Grenville committee of the House of Commons. These conditions became intolerable when English gentlemen were subscribing their guineas to test the seats of Irish representatives, and when every petition had necessarily to be tried by tribunals which O'Connell declared were commonly guilty of foul perjury; and which even Sugden admitted were influenced by a natural and unavoidable bias. Yet the Whig Ministry, unable to rely on the support of its followers, and nervously apprehensive of the votes of its opponents, suffered the session of 1838 to close without doing anything. It proved its incapacity to govern by abdicating the plainest functions of government.

Election committees.

certain purpose, and that they had only performed the functions which had been assigned to them - the support of the Protestant religion in Ireland." *Hansard*, vol. li. p. 647.

Fortunately for the credit of the House of Commons, there were three men in Parliament who were not satisfied with the state of the law and with the apathy of the Government. The scandal which had arisen was obviously due to the fact that the appointment of each committee, vested in the House itself, commonly led to a keen party struggle, and that its members, appointed after a party contest, were insensibly influenced by partisan motives. Every reformer endeavoured, in consequence, to devise some new method for choosing election committees. Charles Buller had proposed to reduce the number on each committee to five, and to authorise the Speaker to appoint three barristers who should act as chairmen, and should form a permanent court of appeal from the revising barristers. In April 1838 Peel brought forward an alternative plan. He proposed that the Speaker should be authorised to appoint a general committee of elections, and that the duty of selecting election committees should be delegated to the general committee. Each election committee was to have the aid of an assessor; but Peel, wishing to avoid the expense of three permanent officers with large salaries, proposed that the assessors should be chosen from time to time when their services were necessary. The scheme was ultimately referred to a select committee, and made no further progress during the session of 1838.[1] At the commencement of 1839 a new reformer submitted a new scheme for the consideration of the House. Lord Mahon, the eldest son of Lord Stanhope, the heir to a great name, was already proving himself a worthy representative of a family which has left its mark on British history. In politics he had displayed industry and ability as Under-Secretary to the Foreign Office in Peel's short-lived Administration; in literature he had already collected much of the information which was making him the capable exponent of seventy years of English history. Soon after the commencement of the session of 1839 Mahon proposed a third plan. Like Peel, he desired the Speaker to appoint a

Buller, Peel, and Mahon bring forward proposals for improving election committees.

[1] *Hansard*, vol. xlii. pp. 277, 614.

committee of selection; unlike Peel, he delegated to this committee the duty of choosing three assessors. His proposal was rejected by the House; and Peel thereupon reintroduced his own scheme. Buller, who had returned from Canada, endeavoured to engraft upon it the appointment of permanent assessors. The House, in no humour to abdicate its functions, instead of doing so struck out the temporary assessors whom Peel had originally suggested. Thus amended Peel's scheme became law, and the scandal of election ballots was permanently terminated.[1]

Peel's proposal adopted.

Some portion of the scandal connected with the trial of elections had been terminated by Peel's measure. But the Irish could not be satisfied with this result. Every Irish member contended that justice to Ireland required that all parts of the United Kingdom should be placed under the same laws; and it was notorious that the electoral law of Ireland differed from the electoral law of England. In Ireland two assistant barristers, appointed for the purpose, sat four times in each year to revise the list of voters; and a person claiming to vote for the first time was compelled to prove his title. In England the claim to vote, unless it were challenged, was admitted as a matter of course. In Ireland the claim of the voter was disputed as a matter of course. In England the claim of the voter could be objected to at any annual revision. In Ireland a claim once allowed was good for eight years. The Irish law discouraged the enfranchisement of the poorer and more ignorant voters; but it encouraged the manufacture of faggot votes. The claimant was allowed to register his claim in any part of the county. A rich man might, therefore, register his claim at a distance from his home, and weary out the objectors to it by renewing it quarter after quarter until it was allowed. When the claim was once established the voter was entitled to receive a certificate from the clerk of the peace authorising him to vote at any election for the next eight years. During

Registration in Ireland.

[1] For Mahon's bill see *Hansard*, vol. xlv. pp. 379, 432. For Peel's, ibid., p. 434; vol. xlvi. p. 576; vol. xlviii. p. 10; and vol. xlix. pp. 72, 915.

the eight years he could, if he chose, apply for a fresh certificate every half year; and if he were dishonest he could, at the next election, place these certificates in the hands of different persons and enable them all to vote at the election.

Fictitious votes could thus be easily manufactured in Ireland; and the system, or want of system, in force was open to grave objections. Bills were accordingly introduced by the Irish law officers to amend it. These bills, however, did not make much progress. The Government, weak, and afraid of its own weakness, took no steps to promote reform; and at last, in 1840, Stanley introduced a measure to deal with the Irish electoral law. He proposed to sweep away the whole system of certificates; to authorise the assistant barristers to revise the registers once in every year; and to permit an appeal from their decisions to a judge on assize.[1] The introduction of the bill led to an attack upon Stanley by O'Connell. Stanley, said O'Connell, "was the last person in the world who ought to have meddled in the matter." He had always endeavoured "to limit and restrict as much as possible the franchise of the people of Ireland. Was the noble lord aware that the Conservative party in Ireland were in the habit of employing both counsel and attorney to oppose the registration of Liberal voters, and that at every registry?" "Every impediment was thrown in the way of the poor voter;" and now, after he had established his claim before the assistant barrister, Stanley was proposing that he should walk fifty or sixty miles to an assize town, to resist the appeal which the Conservatives would lodge against the assistant barrister's decision.[2]

Stanley's Registration Bill.

O'Connell's speech did not interrupt the progress of Stanley's bill. The debate on its second reading commenced on the 25th of March. Its rejection was moved by an Irish member; and ministers sat quietly by without expressing any opinion on its merits. Their position was, in fact, full of embarrassment: they hesitated to oppose a bill which, in many respects, resembled those which had been introduced in previous years

[1] *Hansard*, vol. liii. pp. 615–628. [2] Ibid., p. 634.

by their own law officers; and they could not support it without offending O'Connell. At last, on the second night of the debate, they allowed Morpeth to try to prove that the measure, by introducing an annual revision of the register and by admitting an appeal from the assistant barristers, would disfranchise Ireland.[1] It was not very easy to prove that these innovations would have the effect which Morpeth anticipated. Even in that event, however, the logical deduction from his speech was that Stanley's bill should be amended, not that it should be rejected. But the mere amendment of the bill would not have satisfied O'Connell; and Morpeth, in consequence, pledged his colleagues to ensure its rejection. Some Liberals, however, declined to admit that a system of registration which was working well in England was not good enough for Ireland. The ministry, in consequence, experienced the most serious defeat which it had yet encountered, the House of Commons approving the principle of Stanley's measure by a decisive majority.[2]

Ministers resist the bill,

and are defeated.

This division afforded the ministers a reasonable excuse for escaping from their difficulties. They were unable to regulate the shape of business, and precedent and principle therefore justified and necessitated their resignation. Yet ministers did not resign. They still clung to office, although they had lost their power. "A minister," to use the striking illustration which Whately had employed five years before, "used to be a stage coachman, who drove, at a certain fixed hour, and a settled road, those who chose to go by his coach; now he will be a gentleman's coachman, who drives when and where his master bids him."[3] The prediction which Whately had thus hazarded of Peel in 1834 had been signally disappointed by Peel's conduct; it had been verified to the letter under Peel's successor. Melbourne still held the reins, but he drove as Peel told him. His feeble Cabinet, indeed, conscious of its own discredit, made an effort to reverse Stanley's victory.

[1] *Hansard*, vol. liii. p. 108. [2] By 250 votes to 234. Ibid., p. 157.
[3] *Whately's Life*, vol. i. p. 292.

It put up a Liberal member to resist the motion for going into committee on the bill; it protracted the resistance over three long nights; it even persuaded its leader to declare that "of all the motions which went to unsettle and oppose the principle of the Reform Act this is the most formidable." But it only gave a new victory to Stanley.[1] It subsequently endeavoured to interpose an English Registration Bill for the purpose of delaying Stanley's measure, and experienced a fresh reverse.[2]

During the whole of the contest Stanley had been made the subject of scurrilous abuse. Outside the House O'Connell described him as "Scorpion" Stanley: his bill as the "Scorpion" Bill.[3] Such attacks as these had thrown warmth into the discussion. Warmth is too weak a word to apply to the scene when the House at last resolved itself into committee on the bill. The Radicals immediately moved that the House should resume; and were beaten by a large majority. Infuriated by the new defeat, O'Connell declared that the bill was one "to trample on the rights of the people of Ireland," and was laughed at, whistled at, bellowed at, by the majority. Maddened by the sounds, he turned on the Tories and declared, "If you were ten times as beastly in your uproar and bellowing I should still feel it my duty to interpose to prevent this injustice." Such a scene had not disgraced the old House of Commons even under Abercromby's feeble rule. Such a scene was strange to the new House, which had acquired dignity under its dignified Speaker. But the Chairman proved unable to moderate it. He even failed to induce O'Connell to withdraw his offensive phrase. The Tories had to submit to be described as beastly because in their hatred of O'Connell they had forgotten they were gentlemen.[4]

The disorderly conduct of the House of Commons.

This incident naturally strengthened the animosities which

1 301 votes to 298. *Hansard*, vol. liv. p. 454. For Russell's declaration see ibid., p. 202. 2 206 votes to 195. Ibid., p. 1073.

3 *Ann. Reg.*, 1840, Hist., p. 125.

4 *Hansard*, vol. liv. p. 1092. Charles Buller (p. 1094) described the shouts of the Tories as "insults the most gross that I have ever seen proceeding from persons in the position of gentlemen."

the bill had already provoked. O'Connell spared no pains to arrest its progress; the ministers afforded all the assistance in their power to O'Connell; and Stanley, seeing that success was hopeless, and proud of the many victories which he had secured, withdrew the bill for the session of 1840, announcing at the same time his intention of again introducing it early in 1841.[1] His promise was redeemed. On the very evening on which Parliament met in 1841 Stanley gave notice of his intention to bring in his bill. On the 2nd of February he obtained leave to do so. The ministers did not oppose its introduction. They contented themselves with re-stating their objections to the measure, with announcing their intention of introducing a measure of their own to supersede Stanley's, and with intimating that no bill which did not deal with the Irish franchise would be satisfactory to Ireland. In accordance with this pledge Morpeth, two days afterwards, introduced his own bill. Morpeth, like Stanley, proposed an annual revision of the register, the abolition of certificates, and an appeal from the revising barrister. In these respects there was no material difference between Morpeth and Stanley. Stanley's bill, however, gave the appeal to a judge on assize; Morpeth's gave it to three barristers, to be appointed by the Speaker. Stanley's, by purifying the register, would have had the effect of reducing the number of voters; Morpeth's extended the franchise to leaseholders rated at £5 a year.[2] Liberals and Repealers were loudly declaring that Stanley had introduced a measure of restriction. No one could doubt that, under the colour of a Registration Bill, Morpeth had introduced a new Reform Bill for Ireland.[3]

Stanley's and Morpeth's Registration Bills in 1841.

Judged by considerations of expediency the decision of ministers was wise enough. They could not hope to thwart Stanley's measure unless they could replace it with a more

[1] *Hansard*, vol. lv. p. 458.

[2] The Irish Reform Act had given leaseholders having a beneficial interest in their holdings of not less than £10 a county vote. The qualification had led to endless difficulty, since no one had been able clearly to define what constituted a beneficial interest.

[3] Ibid., vol. lvi. pp. 220, 232, 274.

popular competitor; and a bill which extended the Irish franchise enabled them to rally their supporters. Having the command, moreover, of much of the time of the House, they could take care that their own measure should always have precedence of Stanley's. They were thus able to reverse the decision of 1840, and after four nights' debate to carry the second reading of their own bill at the end of February by 299 votes to 294.[1] The majority was so small that the ministry did not venture on persevering with the measure. Instead of allowing Morpeth to proceed with the bill the Cabinet made him postpone it till the 23rd of April. The intervening period, Russell intimated to the House of Commons, would be usefully employed in obtaining more precise and positive information to determine the amount at which the franchise should be fixed.[2]

Morpeth's bill postponed,

Even Melbourne's discredited ministry had never taken a more unusual step. Many honest Liberals thought that the Cabinet, if it desired to deal with the Irish franchise, should not have hidden their reform under the cloak of registration. But no honest Liberal could doubt that the Government which resolved on such a proceeding should have taken care to fortify itself with the positive and precise information which Russell was now declaring to be necessary. It was almost impossible to credit the excuse which the leader of the ministry was urging for delay, or to doubt that, under the pretext of collecting facts, ministers were contemplating a change of principle. O'Connell, seeing the shadow of coming events on the measure, urged the Irish to petition for the bill, the whole bill. Even O'Connell was unable to influence a ministry which felt itself incapable of commanding a majority. Before the 23rd of April arrived Morpeth announced that the Cabinet had decided to raise the qualification for householders in counties from a £5 rating to an £8 rating. The low sum of £5 had alarmed some timid Liberals; and the ministry hoped to conciliate them and gain their support by the proposed alteration.[3]

and modified.

[1] *Hansard*, vol. lvi. p. 1126. [2] Ibid., p. 1150. [3] Ibid vol lvii. p. 970.

Concessions, due to weakness, have rarely the effect of conciliating any one. The change of front which the Government had made deprived its suggestion of all weight. It was plain beyond the possibility of dispute that, if a £5 rating were a fair substitute for the £10 leasehold qualification in February, an £8 rating was an unfair substitute for it in April. The Government could not be said to be solving the problem. It was only guessing at its solution. Its vacillation paved the way for some more resolute politician; and Lord Howick, who two years before had been a member of the ministry, brought forward a plan of his own. Lord Howick argued that the rate of a man's holding represented its value. The difference between the rate and the reserved rent represented the beneficial interest. In addition, therefore, to a rating value of £8, he proposed that every occupier, whether leaseholder or not, the value of whose holding, tested by the rate, exceeded his rent by £5, should be entitled to vote. The proposal was a little complicated; it was, probably, only imperfectly understood. It served, however, as well as any other expedient to embarrass a Government at which everybody was laughing; and a preliminary amendment, on which the new franchise was to be based, was accordingly adopted by 291 votes to 270.[1]

Lord Howick's amendment.

The division afforded ministers a fresh opportunity for retiring from their position. Even at the eleventh hour they would have recovered some little dignity by refusing to go on. The Whig ministers, however, who had long forgotten how to govern, had not learned how to resign. Technically Lord Howick's amendment had decided nothing. It had merely stated that "no person" claiming to vote should "be deemed to have a beneficial interest except as hereinafter provided." The franchise itself had still to be determined, and it was open for the Government to revert to its original proposal. Morpeth easily persuaded the House to prefer the £8 qualification to the £5 which O'Connell preferred.[2] This, however, was the only concession which the House would make. It

[1] *Hansard*, vol. lvii. pp. 1073–1181. [2] Ibid., p. 1228.

had filled up the blanks in the clause as the Government desired, but it declined to accept the clause as a whole. By a majority of 300 votes to 289 it struck it out of the bill, and left the measure a useless "torso," with which it was impossible to proceed.[1]

The bill lost.

Yet the ministers did not resign. They still clung to the offices in which they had lost their credit, and to the seats on which they had been stripped of power. They had experienced their final defeat on the Registration Bill on the 29th of April. A day afterwards it fell to the lot of Baring to introduce the Budget of the year. The finances of the kingdom had not flourished under the careless administration of Spring Rice: they had not recovered under Baring. For more than two years the revenue of the country had proved insufficient to cover the expenditure. In 1837 the deficit had reached £1,400,000; in 1838 it had amounted to £400,000; in 1839 it had been estimated by Spring Rice at £860,000. Unfortunately, as the year rolled on, the financial situation became more and more grave. Troubles abroad and at home increased the expenditure. The distress which stimulated Chartism into activity diminished the revenue. In the midst of these grave financial embarrassments cheap postage suddenly superseded high postage rates. The ministry had resisted the reform; it had anticipated the worst results from the change; yet it had made no serious attempt to estimate or to provide for the loss which the revenue would experience. This negligence created a profound sensation among the industrious and orderly classes of the community. The Reform Act had enfranchised the middle classes; and the middle classes are precisely those which are most interested in economical administration, and most opposed to adverse balance-sheets. Herries, expressing the general opinion, asked, on the 13th of February 1840, for a series of returns intended to show the growth of the income and expenditure of the nation from 1828, and the state of the Consolidated Fund and of the debt during the last four years of the period. Baring

Financial embarrassments.

[1] *Hansard*, vol. lvii. p. 1274.

conceded the greater part of the returns which Herries desired, but objected, at so early a period of the year, to lay upon the table an estimate of the yield of the Consolidated Fund. The House, alarmed at the financial situation, refused to listen to Baring's arguments, and insisted on receiving all the information which Herries demanded.[1] Careless finance, for which Baring was not responsible, had brought on him a severe defeat.

The Budget of 1840.

The division was ominous; but the House busily occupied in prosecuting its quarrel with Denman and Stockdale, had, fortunately for Baring, little leisure to bestow on financial subjects. On the 15th of May 1840, Baring introduced his first Budget. The revenue of 1840, which Spring Rice had placed at £48,128,000, had amounted to only £47,843,000; the expenditure, estimated by Rice at £48,988,000, had risen to £49,300,000. The deficit, which Rice had computed at £860,000, had accordingly reached £1,457,000. The expenditure of 1840–41 was placed at £49,432,000; the revenue, in Baring's judgment, could not be expected to produce more than £47,034,000. Some changes in the Customs duties, in consequence of a treaty with France, reduced the sum to £46,700,000. In other words, the probable requirements of the State exceeded its probable resources by £2,732,000. A deficit of £1,400,000 in 1837; of £400,000 in 1838; of £1,457,000 in 1839; an estimated deficit of £2,732,000 in 1840,—such was the miserable result of the four years' rule of a careless financier.

Baring courageously tried to terminate these discreditable deficiencies. He proposed to raise an additional tax of 4*d.* a gallon on spirits; to increase the Customs and Excise by 5 per cent.,[2] the assessed taxes by 10 per cent.; to make "a new survey," for the purpose of ascertaining whether persons liable to house-tax or window-tax escaped paying it; and by all these changes to obtain an additional £2,336,000.

[1] *Hansard*, vol. lii. pp. 183, 229.

[2] Instead of the 5 per cent. he proposed an additional duty of 1*s.* 6*d.* a load on timber, or more than 5 per cent. on colonial and less than 5 per cent. on Baltic timber. Ibid., vol. liv. p. 955.

The whole of this increase would not, however, be received within the financial year; and Baring did not rely on obtaining more than £1,891,000 in the succeeding twelve months. He, therefore, commenced the year with an avowed deficit of £850,000, for which he asked the House to give him a vote of credit. He was entitled to plead that he had made an honest attempt to deal with a deficiency which he had inherited from his predecessor; and the House showed its sense of his honesty and courage by approving his arrangements.

The Budget of 1840[1] deserves especial study from every financier. It was the last attempt made in England to regulate finance on the old system which had been fashionable for generations. It was the last attempt to make the camel bear a heavier load, by making minute additions to every portion of the burden under which he was staggering. Honest application as it was of the old system of finance, it proved a failure. The expenditure, instead of amounting to the £49,432,000 at which Baring had placed it in the previous May, only reached £49,285,000. But the revenue, which Baring had estimated at £48,591,000, only produced

The expenditure was as follows:—

Debt and Consolidated Fund	£31,877,000
Supply services	17,055,000
Canada	350,000
China war	150,000
Total	£49,432,000

The revenue, as it was ultimately settled, was:—

Customs	£22,500,000
Excise	14,241,000
Stamps	7,020,000
Taxes	3,880,000
Post Office	530,000
Crown Lands	170,000
Miscellaneous	250,000
Total	£48,591,000

The 4*d.* on spirits was estimated to produce £484,000; the 5 per cent. on the Customs and Excise, £1,426,000; the 10 per cent. on the assessed taxes, £276,000; and the new survey, £150,000. For the Budget see *Hansard*, vol. liv. p. 121.

£47,443,000. To the deficits of £1,400,000 in 1837–38, of £400,000 in 1838–39, of £1,457,000 in 1839–40, was now to be added a new deficiency of £1,842,000 in 1840–41. These figures, however, serious as they were, did not represent the whole truth. While the revenue was continually declining the expenditure of the country was increasing. Baring did not venture on placing the expenditure of the State in 1841–42 at less than £50,731,226; and to meet this expenditure he hoped for, rather than relied on, a revenue of £48,310,000.[1] The actual deficit of 1840–41 was £1,842,000; the estimated deficit of 1841–42 was £2,421,000. In 1840 Baring had endeavoured to get rid of a deficit by the old-fashioned expedient of adding something to all the burdens of the taxpayer. In 1841 he decided on taking the wiser course of relieving the taxpayer while he increased the revenue. In 1841 protection was the universal rule of the fiscal system. Commodities were taxed, not for the sake of producing a revenue, but with the avowed object of protecting the home producer or the British colonist.

The Budget of 1841.

[1] The figures given by Baring in his speech are imperfect. But the principal statistics of the Budget were:—

Expenditure.

Debt	£29,420,000
Consolidated Fund	2,400,000
Army	6,587,614
Navy	6,805,351
Ordnance	2,075,803
Miscellaneous	2,935,008
Canada	108,000
China	400,000
Total	£50,731,776

Revenue.

Customs	£22,000,000
Excise	14,000,000
Stamps	7,130,000
Taxes	4,300,000
Post Office	450,000
Crown Lands and Miscellaneous	430,000
Total	£48,310,000

—*Hansard*, Vol. lvii. p. 1295

With this view colonial timber was admitted on a duty of 10*s.* a load, while Baltic timber paid 55*s.* With this view colonial sugar was liable to a duty of 24*s.* per cwt., while foreign sugar paid 63*s.* Baring desired to raise the duty on colonial timber to 20*s.* a load, and to reduce the duty on Baltic timber to 50*s.*[1] He wished at the same time to reduce the duty on foreign sugar to 36*s.* The alteration in the timber duties would, he expected, give him at least £600,000 per year; the alteration of the sugar duties would yield at least £700,000.

These two changes, undoubtedly wise, provided for a large portion of the deficit. But even these changes did not supply the means of covering the entire deficiency. For £700,000 of the residue Baring did not attempt to provide. He regarded it as temporary expenditure for which it was not necessary to make a permanent provision. The remaining £400,000 he dealt with in an unusual way. Russell had risen just before the Budget was proposed to say that he should ask the House, a month afterwards, to resolve itself into a committee to consider the Acts of Parliament relating to the trade in corn. Baring said that the resolutions, which Russell would then propose, would leave him under no uneasiness respecting the £400,000. His statement suggested the obvious criticism that the Government was only supplying the House with half a Budget; and Russell was forced to admit a week afterwards, before the Budget was formally considered, that he intended to repeal the existing corn law, and to substitute for it a fixed duty of 8*s.* a quarter on wheat.[2] This announcement made the Budget complete, but it did not ward off the attack of the Opposition. Lord Sandon, the eldest son of Lord Harrowby, proposed a resolution condemning the reduction of the duty on foreign sugar. The resolution was admirably calculated to combine

The Corn Laws.

[1] A select committee had recommended, in 1835, a reduction of the protective duty not exceeding 15*s.* a load. See the Report, Parliamentary Papers, 1835; and cf. M'Culloch's *Commercial Dictionary*, ad verb. "Timber."

[2] *Hansard*, vol. lviii. p. 16.

the votes of Conservatives and abolitionists. The former objected to the reduction because it pointed to free trade; the latter objected to it because it discouraged free labour by admitting slave-grown sugar into the markets. After a debate which extended over eight nights the ministry was defeated by 317 votes to 281. Baring's second Budget was rejected by the vote.[1]

The ministry defeated on the sugar duties.

Even after this defeat ministers did not resign. They decided on resorting to the desperate expedient of dissolving Parliament, and they naturally desired that their free trade policy should be understood by the country before they appealed to it. Instead, then, of attending to the defeat which they had experienced, Russell announced that he would bring forward the question of the Corn Laws on the 4th of June.[2] This announcement, however, did not satisfy Peel. Four days afterwards he declared that he would propose a vote of want of confidence in ministers on the 27th of May.[3] Russell was thus in effect raising a cry of measures, not men; while Peel was meeting it with a demand for men, not measures.

The cross issues which were thus raised to a certain extent affected the debate. It was the object of the Liberals to prove that their financial measures were both necessary and wise. It was the object of the Conservatives to show that, however wise and necessary they might be, they could not be accepted from a discredited Government. Addressing themselves in this way to distinct issues, some of the foremost speakers on both sides of the House had the satisfaction of delivering speeches which were practically unanswered. Macaulay, indeed, was too clear a reasoner to avoid the case of the Opposition leaders, and exerted all his eloquence to prove that British ministers had constantly accepted defeat without resorting either to resignation or dissolution. Even Macaulay could not prove that a Government which did not command a majority in the Commons, and which was opposed to a formidable majority in the Lords, ought to consent to

[1] *Hansard*, vol. lviii. p. 667. [2] Ibid., p. 676. [3] Ibid., p. 706.

sacrifice its measures and its credit for the sake of retaining in its own hands the semblance of a departed authority. The House, interpreting the position more accurately than Macaulay, adopted Peel's motion by 312 votes to 311. It had at last declared that it had no faith in the great Whig Ministry.[1]

A vote of want of confidence carried.

It is possible that, if the Whigs had even then resigned, they might have recovered some portion of their popularity. They would have flung upon their opponents the difficulty of dealing with a financial crisis; and, instead of having to meet a succession of critics, they would have busied themselves with the easier task of exposing the weak points of Conservative finance. Melbourne's Ministry, however, fated to complete the ruin of its party, appealed from a hostile Parliament to a hostile country. The Cabinet imagined that its tardy conversion to free trade principles would ensure its popularity in the country. The country, on the contrary, saw nothing but fresh dishonour in the last act of the Whig Ministry. Even so lately as 1839 Melbourne had declared before God that he considered leaving the whole "agricultural interest without protection the wildest and maddest scheme that has ever entered into the imagination of man." He had assured the Lords in 1840 that the responsible advisers of the Crown would not propose any change in the Corn Laws.[2] The warmest advocate of free trade in corn might fairly conclude that cheap bread should not be given to the nation by Melbourne. The last move in the game, therefore, gained the Whigs no advantage. The country, weary of Whig rule, displayed its weariness by preferring everywhere Conservative candidates. Morpeth was beaten in Yorkshire; Howick in Northumberland; O'Connell lost his seat for Dublin; while the Conservatives succeeded in wresting from their opponents two of the four seats in the City, and one of the two seats in Westminster. The new

Parliament is dissolved.

[1] *Hansard*, vol. lviii. p. 1241.

[2] Ibid., vol. xlvi. p. 610; and vol. lii. p. 1311. Martin's *Prince Consort* vol. i. p. 108.

Parliament assembled at the end of August at once proceeded to declare its want of confidence in the ministry. The Government was defeated in the Lords by 168 votes to 96, in the Commons by 360 votes to 269.[1] Parliament had, at last, spoken with a voice to which even Melbourne could not refuse to hearken; and the Whigs at once retired from the offices which they and their friends had held for nearly eleven years.

The Household question compromised.

There was, however, one subject which was occasioning a little anxiety to professed politicians. They could not forget the singular episode which had followed the resignation of Melbourne in 1839. Peel had then insisted on the removal of the Whig ladies from Court: the queen had declared that their removal would be repugnant to her feelings; and the Whigs, sheltering themselves behind their wives, had returned to office, in the language of one of them, "stronger than ever."[2] How was it possible to avoid a similar difficulty in 1841? It was obviously undesirable that Peel should be compelled to sacrifice the principle which he had laid down two years before; and at the same time no right-thinking man could wish that the queen should be asked to do anything which was repugnant to her feelings.

If the position of the queen had remained unchanged the difficulty which had occurred in 1839 might have recurred in 1841. Happily, however, a fortunate alteration in the queen's position paved the way for an arrangement. In 1839 the queen, living in solitary grandeur, shrank from parting with the ladies who were familiar to her. In 1841, united in marriage with a prince of her choice, blessed already with a baby daughter, and expecting another child, whom later generations were to regard as the heir to her throne, she had livelier sources of consolation than the presence of two or three estimable ladies in her household. Prince Albert of Saxe Cobourg, who became the husband of

The queen's marriage.

[1] *Hansard*, vol. lix. pp. 106, 449.

[2] Lord Cottenham, *Chancellors*, vol. viii. p. 124.

the queen in the beginning of 1840,[1] was the second son of Ernest, the reigning Duke of Saxe-Cobourg, and nephew to Leopold of Belgium and to the Duchess of Kent. Carefully trained for the great position which he ultimately held, tall, handsome, honest, capable and discreet, the prince was qualified to support and assist his wife. His stiff German manners did not commend him to the popularity of the crowd; his German training made him incapable of appreciating English ideas of sovereignty. From the bottom of his heart he desired the happiness of the people; but he desired that the people should derive their happiness, not

[1] The queen was married to her cousin on the 10th of February 1840. The marriage was formally announced by the queen in her Speech from the throne on the 16th of January 1840: "Since you were last assembled I have declared my intention of allying myself in marriage with the Prince Albert of Saxe-Cobourg and Gotha." (*Hansard*, vol. li. p. 1.) The Lords insisted, on Wellington's motion, on inserting the word "Protestant" before the word "Prince" in the responsive address. Melbourne first resisted the amendment, but subsequently conceded it. (Ibid., pp. 14, 16, 41; Martin's *Prince Consort*, vol. i. p. 58.) This amendment was not the only matter in which Melbourne's Ministry suffered a check on the prince's affairs. They inserted a clause in a bill, which professed only to provide for the prince's naturalisation, giving him precedence next after the queen. This was objected to, and the ministry had to give way. (Ibid., p. 63; and *Hansard*, vol. li. p. 1079.) They asked for a grant of £50,000 a year for him; and the House of Commons, after rejecting a motion of Hume's to reduce the grant to £21,000 (ibid., p. 611), agreed, on the motion of Colonel Sibthorp, to limit the amount to £30,000. The reduced grant was carried by a combination of Tories and Radicals, the ministry being beaten upon it by 262 votes to 158. (Ibid., p. 633.) These various decisions naturally produced a feeling of soreness in the minds both of queen and prince. The latter, in writing to the queen, called the decision of the House of Commons "the truly most unseemly vote." (Martin's *Prince Consort*, vol. i. p. 64.) His biographer admits that they caused "considerable pain and vexation to the queen." (Ibid., p. 63.) The feeling which was thus occasioned was partially mitigated towards the end of the session, when Peel consented to support a bill making the Prince Consort Regent during the minority of his child. (For the debates on the bill see *Hansard*, vol. lv. p. 1074; and for Peel's speech see ibid., p. 1076.) Peel's support of the bill was secured on that occasion by the dexterous management of Stockmar. (*Memoirs of Stockmar*, vol. ii. p. 45.) Even, however, after Peel had become minister the queen still retained, or the minister fancied that she retained, the adverse feelings which she had formed towards the Tories. "I know for certain," wrote Stockmar (vol. ii. p. 54), "that Peel does not yet believe that he possesses the confidence of the queen to the extent which he wishes and requires The prince, on the other hand, he considers as his friend." All these things require to be remembered in any impartial consideration of the crisis of 1841.

from themselves, but from the queen.[1] Even these views, however, were corrected by the prudent advice of a wise and honest counsellor. Baron Stockmar had been attached to Leopold's household. He had since played a great though secret part in securing his master's election to the throne of Belgium. He had desired and effected the marriage of Albert of Saxe-Cobourg with the queen. He had made the workings of the British Constitution his study; he understood its machinery more perfectly than many Englishmen; and he had urged the prince to become "the constitutional genius of the queen."[2] Acting on his advice, the prince, early in the summer of 1841, opened a negotiation with Peel. He arranged that, in the event of Melbourne's retirement, three great Whig ladies should resign the situations which they held in the Household of their own accord.[3] Their resignations made it unnecessary for Peel to reassert his principle; the queen was saved from anything repugnant to her feelings, and a grave constitutional dilemma was in this way quietly averted by the prudent conduct of a young prince of twenty-two.

Baron Stockmar.

The prince's management removed the only obstacle to the downfall of the Whig Ministry. For nearly eleven years the Whigs had held the reins of Government in their hands. During the first four of them they had been under the presidency of Grey; their counsels during the succeeding seven had been regulated under the lead of Melbourne. Under Grey's guidance the Whig Ministry accomplished the most memorable reforms which are related in British history; under Melbourne's guidance it accomplished few great reforms which had not been initiated under Grey. The heroic measures which the Whigs promoted under Grey lost them the support of their more timid followers. The constant concessions which emasculated their policy under Melbourne estranged from them earnest reformers. The history of the

The Whigs resign.

[1] See his letter to the queen on her accession in Martin's *Prince Consort*, vol. i. p. 25; and cf. his desire to increase the influence of the Crown in ibid., p. 315.

[2] See his admirable letter in ibid., p. 111.

[3] *Stockmar*, vol. ii. p. 50.

Whigs under Grey thus becomes a chronicle of great successes; their history under Melbourne is a story of great compromises. There are few things more exhilarating in history than the annals of the triumph of the Whigs under the one minister; there are few things more disheartening than the story of their decline and fall under the other. Under Grey the Whigs lost their popularity, but they retained their credit. Under Melbourne they lost their credit without recovering their popularity.

The distinction which can thus be traced between the policy of the Whigs under Grey and their policy under Melbourne was mainly due to the difference between the characters of the two ministers. Grey was earnest in all that he undertook; office was, in his eyes, only desirable because it enabled him to accomplish the reforms which he believed to be necessary for the country. He would have scorned place without power, and would never have consented to sacrifice principle for expediency. Melbourne, on the contrary, had an easier temperament. He always advocated Liberal measures; in some respects his Liberalism was sounder and truer than Grey's. Unlike Grey, however, Melbourne could never see why an abuse which had been uncorrected for generations should not be permitted to last for another year. If Lyndhurst would only let him strike some monopoly to the dust, so much the better for mankind. If Lyndhurst would not allow him to do so, the measure which was lost to-day could be reproduced to-morrow; and, in the meanwhile, Melbourne, without much regret for the lost opportunity in the past, without much thought for the coming opportunity in the future, could seek in the society of his books, his friends, or his queen, relaxation from all his cares, and perhaps marvel at the freaks of fortune, which had placed him, qualified as he was to shine in almost every station of life, in the solitary position for which nature had disqualified him.

The character of Lord Melbourne.

The character of the Prime Minister was reflected in his Administration. He obtained office by the assertion of a

great principle. After three years of office the great principle was shunted into a siding. In office he asserted the paramount necessity for another great reform. After five years' labour the new reform was whittled away till it bore no trace of its original shape and proportions. He advocated, in office, the glorious principles of self-government; and he introduced autocracy into Canada, and wished to introduce it into Jamaica. His conduct of the Irish Tithe Bill, his conduct of the Irish Municipal Bill, his West Indian policy, his Canadian policy, exposed him to sharp rebukes from men, not more liberal, but more earnest, than himself. Like Gallio, Melbourne cared for none of those things. During his whole tenure of office he was constantly asserting Liberal maxims and constantly abandoning them. It was said, afterwards, of his successor, that a sound Conservative Government implied Tory men and Whig measures. It would have been much more true to have said of Melbourne that his Administration consisted of Whig men and Tory measures.

CHAPTER XVI.

FOREIGN POLICY FROM 1830 TO 1841.

THE internal history of a nation has frequently no direct connection with its foreign policy. Domestic politics are watched with anxiety by the people; the management of foreign affairs is usually delegated to their rulers or professed politicians. Monarchs and their advisers are interested in maintaining the fiction that the great masses of the people are incapable of appreciating delicate negotiations with other countries; and the people, intent on their own concerns, often acquiesce in the suggestion, and find themselves, in consequence, occasionally committed to a policy which they disapprove, and to an expenditure which quickens their understanding. On such occasions the people show no hesitation in forming decisive opinions on the nicest matters. Foreign policy engrosses the attention of the nation, and becomes the cause of the making and unmaking of ministries.

Foreign policy.

A great many circumstances interested the British nation in the conduct of its foreign affairs during the whole period of Whig supremacy. The Whigs owed their accession to office in 1830 to a revolutionary wave of thought which was sweeping over the Continent. Europe was throwing off the yoke which had been imposed upon it in 1815. The Allies, in conquering France, had fancied that they had destroyed the Idea which had given France her energy. Ignorant of history, they were unacquainted with the failures of greater men than themselves in the same field. The man dies; but the Idea lives. The death of the man frequently gives new life to the Idea. The Revolution of 1789 had been due to the new Idea that governments only exist for the people; and all the

bayonets of all the autocrats had been unable to eradicate it. French soldiers at Madrid, Austrian armies at Alessandria and Naples, temporarily prevented its spread. But the Idea was still living in the hearts of prostrate nationalities. While despotism was priding itself on its successes wise men saw the shadow of its coming fall. Autocracy partly depended on the tolerance of the Western Powers; and it lost the assistance of Britain on the death of Castlereagh: it was deprived of the aid of France by the Revolution of July.

The effect of the Revolution of July on other nationalities has already been related in this history. Europe was shaken to the centre, and autocracy staggered under the uprising of the forces which it had hitherto succeeded in suppressing. Poland, Germany, Italy, Belgium, felt the force of the new movement which had originated in France. Russia, Austria, and Prussia, occupied with the task of crushing their own people, had no bayonets to spare to maintain the arrangements of 1815. Unable to resist the march of events, they were obliged to imitate the example of Wellington, and to recognise Louis Philippe. Unable to deny the inability of the House of Orange to subdue the Belgian revolution, they were driven to agree to a Conference in London, at which the future position of Holland and Belgium could be determined. The settlement of 1815 had obviously received an irremediable blow. In one part of Europe nationalities had proved too strong for their rulers. The King of France had been succeeded by the King of the French; the flag of Holland no longer waved over the cities of Belgium.

The Revolution of July.

All Europe was interested in the settlement of the Belgian question. The main reason which had suggested the union of Belgium with Holland was the desire to erect a strong barrier against French ambition. The southern frontier of Belgium had been carefully fortified, at the cost of the Allies, under the supervision of Wellington. A Power, which commanded the joint resources of Holland and Belgium, was supposed to be capable of holding these fortresses against France. The potentates who had agreed to

The position of Belgium.

the Peace of Paris could not be expected to approve the events which were depriving these fortresses of their utility. The great general whose skill had baffled Napoleon, and who had become Prime Minister of Britain, could not be expected to like an arrangement which was effacing the chief work of his lifetime. It was impossible to resist the summoning of a Conference assembled at the request of the King of Holland; but the sovereigns of the Continent and the Tory Ministry of Britain entered it with the avowed intention of preserving in some shape or other the union of the United Provinces.[1] The Dutch Government, indeed, thinking that nothing but the assistance of a British contingent could preserve the union, applied to Aberdeen for troops. The Tory Cabinet, however, had the wisdom to see that the despatch of a British army to Belgium was not the best means of preserving the peace of Europe. Instead of assenting to the application it hastened the meeting of the London Conference. The Conference at once concluded an armistice between Holland and Belgium, and thus paved the way for the quiet consideration of the differences which had arisen between them.[2]

Aberdeen refuses to send troops to Belgium.

So far the negotiations had occasioned little difference of opinion. Before they advanced another stage Wellington was defeated on the Civil List; Grey's Ministry succeeded to power; and Palmerston replaced Aberdeen at the Foreign Office. No man was ever gifted by nature with happier qualifications for the post of Foreign Minister. Fond of society, formed to shine in it, his admirable

Palmerston Foreign Minister.

[1] William IV. was advised to say: "I lament that the enlightened administration of the king should not have preserved his dominions from revolt." And again: "I am endeavouring, in concert with my allies, to devise such means of restoring tranquillity as may be compatible with the welfare and good government of the Netherlands and the future security of other States." (*Hansard*, vol. i. p. 9.) And Wellington afterwards avowed that, during his ministry, the business of our representative at the Conference had been to take care of the interests of Holland. Ibid., vol. xv. p. 125.

[2] The application of the Dutch Government for troops is in *State Papers*, vol. xix. p. 656. Lord Aberdeen's refusal, ibid., p. 659. For the armistice see ibid., vol. xviii. p. 728.

social qualities commended him to the favourable notice of the representatives of foreign courts. His pleasant, cheerful temper, which assured him a hearty welcome in every drawing-room, made some people overlook the higher qualities which fitted him for his office. People refused to believe that the gay Irish peer, who was the delight of society, could have time or capacity to spare for the routine duties of his department. The Foreign Office, when he entered it, was agitated by the events of the previous summer. All its traditions were opposed to the impending separation of the United Netherlands. All its suspicions were aroused by the attitude of the Liberal party in France. Many Frenchmen longed to march to the assistance of the burgesses of Brussels, and to seize the opportunity of rectifying the northern frontier of their own territory; and official Englishmen were, of course, determined to prevent the irruption of a single French battalion into Belgium. There was, however, a large party in England which recoiled from the notion of a war with France under Louis Philippe. France had apparently entered on a new path, in which Liberal politicians might properly assist her; and, instead of pursuing their ancient rivalry, France and England might join to resist the autocracy of other Powers. These views were shared by Louis Philippe; they were hardly appreciated by the French nation. Fortunately, however, for the cause of peace, the French were flattered at the sympathy which the events of July had excited in England, and were ready to repose unbounded confidence in the sovereign of their choice; and thus, in the epigrammatic language of a French historian, "L'Angleterre, animée pour la France d'une vive sympathie, y poussait ses ministres; la France bien qu'un peu surprise, y suivait son Roi."[1]

Excitement in England and France.

Sympathy with the French.

The understanding which was thus established between the two countries was happily promoted by the exertions of the distinguished statesman whom Louis Philippe had the wisdom to send as his representative to London. Talleyrand is one

[1] Guizot's *Mémoires*, vol. ii. p. 261.

of the few persons who have risen to the highest eminence by their skill in diplomacy. The diplomatic profession seems, indeed, singularly adapted for the production of but third or fourth rate men; and it is hardly possible to name a single member of it who, trained in the service, has attained distinction. Noble by birth, an ecclesiastic by profession, a reformer by conviction, Talleyrand won his reputation by assailing the order from which he had sprung, and the profession which he had chosen. He had been identified with the successes of the Revolution; he had held the first place under Napoleon in the Empire; he had advised the restoration of the Bourbons in 1814; he had recommended the elevation of Louis Philippe in 1830. He had thus played a distinguished part in promoting every government which had controlled the destinies of France for forty years. He had helped to change dynasties more frequently than the King Maker, and he had avoided the fate of Warwick.

Talleyrand minister in London.

Talleyrand had many personal friends in England. His appointment as French Minister at London was received with a chorus of approbation by the English press.[1] On personal grounds it was his interest to maintain the good impression which he had thus made. But he had the sagacity also to see that peace was essential to the Government of July, and that peace could only be secured by intimate relations with England.[2] Irresponsible agitators in his own country were clamouring for the annexation of Belgium. Talleyrand refused to listen to their clamour. He, probably, regarded war as a clumsy contrivance which it was the business of a diplomatist to avoid. The diplomatist who had held his own against Metternich and Castlereagh, backed by the legions of Wellington and Alexander, could hardly shrink from a contest with an inexperienced statesman like Palmerston, the minister of a nation which had just sacrificed the efficiency of the services on the altar of economy.

His efforts to preserve peace.

The first negotiations were easy. Palmerston and Talleyrand both decided on regarding "the absolute and entire

[1] Guizot's *Mémoires*, vol. ii. p. 89. [2] Ibid., p. 88.

separation of Belgium from Holland . . . . an established and . . . irreversible fact."[1] The Conference, adopting these views, decided, on the 20th of December, on discussing the arrangements which were necessary to secure the independence of Belgium and the balance of power in Europe.[2] It at once became evident that it was easier to agree on the preliminary principle that Belgium should be separated from Holland than to determine the manner in which the separation should be effected. There were three points which it was necessary to settle. The territory of the United Netherlands had to be apportioned to the two countries; the debt which was borne by both had to be divided between them; and some prince had to be chosen for the Belgian throne. The King of Holland secretly hoped that the Belgians would offer the throne to his own son; ambitious Frenchmen, on the contrary, desired the election of a French prince. The arrangement of the territorial limits of the two countries constituted another difficulty. Apparently the Conference had only to revert to the *status quo* in 1790; to give Holland all the provinces which belonged to her in that year, and to cede to Belgium the remainder. This principle, however, could not be applied to the Grand Duchy of Luxemburg. Luxemburg belonged to the King of Holland, but it was no part of Holland. It had been ceded to its king in 1814 in exchange for the hereditary States which he had held in Germany as Grand Duke of Nassau, and it formed a part of the Germanic Confederation.[3] Geographically, however, Luxemburg had no connection with Holland. Race, language, and interest made its inhabitants gravitate towards Belgium. A great part of the Duchy was in the occupation of Belgian troops; and it was at once evident that, while Holland was unlikely to assent to the cession of the Duchy, the Belgians would oppose its continued connection with the Dutch.

The independence of Belgium accepted by the London Conference.

The position of Luxemburg.

[1] *State Papers*, vol. xix. p. 784. [2] Ibid., vol. xviii. p. 750.
[3] Ibid., vol. xix. p. 784.

Palmerston thought that Luxemburg should be united with Belgium; and that, if Holland were willing to cede it, the Belgians might consent to place the Prince of Orange on the throne. Talleyrand, on the contrary, objected to the union of Luxemburg with Belgium. Luxemburg had been a prize which Frenchmen had coveted for centuries. The possession of Luxemburg strengthened the French frontier; its appropriation to another country deranged the boundary of France. Holland and Belgium were quarrelling over the province. Could not their quarrel be determined by handing it over to Louis Philippe? If this were impossible, could not the French frontier be rectified by the cession of the adjacent towns of Philippeville and Marienburg?[1] Horace never yearned more longingly to round off his farm than Talleyrand desired to improve the northern boundaries of his own country. These rival views resulted in a compromise. The Conference decided that Holland should retain the territories which she possessed in 1790; that Belgium should receive the remainder; that Luxemburg, "possédé à un titre différent par les Princes de la Maison de Nassau," should remain part of the Germanic Confederation. These and other stipulations, embodied in eighteen articles, received the assent of all the members of the Conference on the 20th and 27th of January 1831.[2] Three weeks afterwards (on the 18th of February) the Dutch Plenipotentiaries formally assented to the decision of the Conference.[3]

The Conference agrees to the eighteen articles.

The adhesion of the Dutch Government to the terms of separation did not, however, materially advance the labours of the Conference. The Belgians refused to accept the conditions which the Conference had adopted, and proceeded to carry out their own views of independence by electing a sovereign. In such a choice it was obviously their interest to conciliate France. The majority of the National Congress was consequently in favour of

Belgium refuses the decision.

[1] See *Palmerston*, vol. ii. pp. 27, 30.

[2] *State Papers*, vol. xviii. pp. 759–768.

[3] Ibid., p. 779.

placing on the throne of Belgium a prince who would be agreeable to the French people. Among the many candidates for the vacant crown was the Duc de Leuchtenburg, the son of Eugène Beauharnois, and the near relative of Napoleon. The choice of the Duc, however pleasing to the French nation, was, of course, distasteful to the French Court. Louis Philippe did not hesitate to declare that the selection "would be the most disagreeable to France, and the least favourable to the tranquillity and independence of the Belgians;" and the Plenipotentiaries of the five Powers in London formally agreed that the Duc should not be recognised by any of the States which they represented.[1] It became necessary for Belgium to give up the candidate who was supposed to be agreeable to the French people: it was still possible for her to select a candidate agreeable to the French Court. A large party in the Belgian Congress was anxious to choose the Duc de Nemours, the second son of Louis Philippe; and Talleyrand consulted Palmerston upon the consequences of the Prince's selection. Palmerston at once replied that the election of the Duc would be regarded by the British Government as equivalent to a union between Belgium and France, and prevailed on the Conference to agree to a protocol pledging all the five Great Powers to reject as sovereign of Belgium any member of the ruling families of any one of them.[2] Before the decision of the Conference was known in Brussels the National Congress had formally elected Nemours. The French Government, dazzled by the offer, was for four-and-twenty hours inclined to brave the consequences of accepting it. Its resolution was shaken on learning that the British Cabinet had decided on making Nemours' acceptance of the throne a ground of war.[3] Louis Philippe was not prepared to risk the consequences of a war with Britain for the sake of securing the doubtful advantage of

The throne of Belgium offered to the Duc de Nemours,

and refused.

[1] *State Papers*, vol. xviii. p. 775.

[2] *Palmerston*, vol. ii. p. 35. *State Papers*, vol. xviii. p. 774. Talleyrand took the protocol *ad referendum*.

[3] *Palmerston*, vol. ii. p. 38, note.

an unsteady throne for his second son, and with many smooth phrases refused the offer.[1]

Louis Philippe, however, could hardly fail to be gratified at the evident desire which the Belgians had manifested to please his people and himself. The French people loudly declared that Belgium had been sacrificed; and the French Government, impressed by the feeling excited in France, thought of placing a nephew of Louis Philippe's, a Neapolitan prince, on the throne of Belgium, and marrying him to the daughter of the King of the French. In the meanwhile it threw upon Talleyrand the blame of assenting to the decisions of the London Conference; it formally declared that the protocols to which the Conference had agreed were too vague to justify their adoption; it urged their modification by the cession of a portion of Luxemburg to Belgium; it proposed a redistribution of the debt of the United Netherlands;[2] and it backed up its representations by making almost open arrangements for war.[3] The good understanding established between France and England was thus dissolved. The relations between the British and French Governments became strained; and war between France and Britain, with all its miserable consequences to these Powers and the world, became every day a more probable contingency.

Irritation in France.

War was, in the first instance, averted by the moderation of Talleyrand. His great reputation enabled him to maintain a pacific policy almost in opposition to his instructions.[4] Talleyrand, however, could not have long continued to resist the decisions of the violent party in the French Government if a crisis had not occurred in the fortunes of the French Ministry. Louis Philippe, on his first accession to the throne, had endeavoured to combine the representatives of almost every school of political thought in one Cabinet. But the experiment soon failed. One party in the Cabinet endeavoured to terminate the anarchical ideas

Crisis in the French Ministry.

[1] The terms of the offer and of the refusal will be found in Guizot's *Mémoires*, vol. ii. p. 424.

[2] See Sebastiani's despatch, *State Papers*, vol. xviii. p. 786.

[3] *Palmerston*, vol. ii. p. 41.

[4] Ibid., p. 46.

which had been the inevitable result of the Revolution of July; another party was in favour of conciliating the mob, which was loudly demanding extreme measures at home and the support of revolution abroad. The divisions which thus distracted the ministry became much more apparent at the trial of Polignac and his colleagues for the conduct which had produced the Revolution of July. The populace, furious with the ministers who had signed the *Ordonnances*, clamoured for their blood; and the moderate members of the Cabinet conceived that their colleagues would be better able to resist the clamour if they themselves retired from the Council chamber. The Duc de Broglie accordingly resigned the presidency of the Council, and was replaced by Monsieur Laffitte; Marshal Maison retired from the Foreign Office, and was replaced by General Sebastiani; and Monsieur Guizot resigned the Ministry of the Interior, and was succeeded by Monsieur Montalivet. The Laffitte Administration succeeded in saving the lives of Polignac and his colleagues. It failed in moderating the passions of the populace. Tumults broke out in Paris; they attained lamentable proportions in February 1831. The populace interrupted a service held to commemorate the anniversary of the murder of the Duc de Berri, sacked the church of Saint Germain l'Auxerrois, pillaged the archiepiscopal palace of Paris, and attacked religious edifices in other towns. Shocked by these excesses, and alarmed at the weakness of the ministry which tolerated them, the party of order rallied to the support of good government. The Laffitte Administration resigned; and, on the 13th of March 1831, Casimir Périer became Prime Minister of France.[1]

The Laffitte Administration.

Casimir Périer succeeds Laffitte.

Casimir Périer was resolved on repressing disorder at home; he was determined to maintain peace abroad. Order had been violently interrupted under the weak and vacillating rule of his predecessor. Peace had been rudely threatened by the interference of the Foreign Office with Talleyrand. Sebastiani

[1] For these events see Guizot's *Mémoires*, vol. ii. pp. 136–179.

retained under Périer the post of Foreign Minister which he had held under Laffitte. But the policy of the Foreign Office at once underwent a radical change. Under Laffitte the French Government had formally objected to the arrangements which had been made by the Conference in January; under Périer, Talleyrand was at once instructed to give in his adhesion to them.

He adheres to the London Conference.

A change in the composition of the French Ministry had terminated the prospects of war between France and England. The five Powers decided that the articles on which they had already agreed, and which related to the territorial divisions, should be deemed irrevocable; and that Belgium should be informed that she would be recognised by none of the five Powers except on these conditions.[1] The representatives of the five Powers resolved on despatching this ultimatum on the 17th of April:[2] they gave the Belgians till the 1st of June to deliberate upon it. If the *bases de séparation*, as the articles were called, were not accepted by that day, the five Powers would suspend all relations with the temporary Government of Belgium.[3]

The ultimatum to Belgium.

The decision had scarcely been pronounced before an effort was made to modify it. Lord Ponsonby, the brother-in-law of Grey, had been appointed British Chargé d'Affaires at Brussels. Coming over to London in May, he told the Conference that the chances of an agreement would be improved if Belgium were allowed to obtain even *à titre onéreux* possession of the Grand Duchy of Luxemburg. Ponsonby was ordered to return to Brussels and assure the Belgian Government that the five Powers would open a negotiation with the King of Holland, "in order to secure if possible to Belgium, for a just compensation, the possession of the Grand Duchy of Luxemburg, pre-

[1] The adherence of France will be found in *State Papers*, vol. xviii. p. 793. It was directly due to Périer's good offices. *Palmerston*, vol. ii. p. 66. Périer, in the first instance, however, sounded Lord Granville, the British Minister at Paris, upon the possibility of obtaining Boullion for France; but he does not seem to have urged the point pertinaciously. *Palmerston*, vol. ii. p. 60. Sebastiani urged the union still more forcibly afterwards, but received no encouragement from Talleyrand. Ibid., p. 61.

[2] *State Papers*, vol. xviii. p. 795.

[3] Ibid., p. 797.

serving always its relations to the Germanic Confederation."[1] Ponsonby, anxious to promote the success of his negotiation, exceeded his instructions, and assured the Belgians that, if they would only assent to the *bases de séparation*, the Conference would assist them by its powerful mediation to obtain "the Duchy of Luxemburg by a treaty and for an equitable indemnity."[2] Ponsonby's letter, published in all the newspapers, elicited a warm remonstrance from the Dutch Government; and Ponsonby was recalled.[3] The 1st of June having passed, and Belgium having failed to accept the *bases de séparation*, diplomatic relations with Brussels were formally suspended.

Yet the suspension of diplomatic relations did not interfere with the cause of Belgium. The wiser Belgians were gradually concluding that the independence of their country could not be effected without the assistance of a recognised sovereign. They had, indeed, already appointed a distinguished countryman of their own Regent;[4] but the Regent, exercising only a temporary and provisional authority, was unable to speak to foreign Powers with the weight attaching to the representative of a duly recognised sovereign. A king, therefore, was necessary for Belgium; and, as Leuchtenburg was impossible, Nemours unavailable, and all the members of all the reigning families in Austria, France, Britain, Prussia, and Russia forbidden, the choice of the Belgian nation was obviously narrowed. There was, however, one prince whose qualifications for the post could hardly be ignored. Leopold of Saxe-Cobourg, the widowed husband of Charlotte of England, had been offered and had accepted the Greek throne in the preceding year. After his acceptance of it, however, he had the wisdom to perceive that the narrow limits in which Aberdeen was bent on confining the new

Leopold of Saxe-Cobourg.

[1] *State Papers*, vol. xviii. p. 798.

[2] Ibid., vol. xix. p. 862; and cf. ibid., p. 808.

[3] Ibid., vol. xviii. p. 800. The brothers-in-law of Prime Ministers do not suffer from diplomatic changes. Ponsonby was at once appointed Minister at Naples.

[4] For the decree appointing a Regent see ibid., p. 1297.

kingdom would make the sovereignty of it distasteful to any man of honour. He struggled hard to obtain more generous terms for his would-be subjects. Aberdeen refused, and hardly took the trouble to couch his refusal in terms of common courtesy.[1] Leopold, finding it impossible to obtain generous terms for the Greeks, declined the crown.[2] His refusal left him free for the new kingdom which was anxiously searching for a sovereign.

Chosen King of the Belgians.

Leopold's refusal of the Greek crown gained for him nothing but abuse from contemporary statesmen. They could not understand a prince who had once resolved to occupy a throne receding from his purpose. They thought him guilty of a breach of faith, of irresolution, of cowardice, and they declared that a man of so weak a character was "totally unfit to play a bold part in life."[3] Leopold, however, had gained one great advantage from the negotiation: he saw clearly that his embarrassments had arisen from his unconditional acceptance of the throne, and that his attempts at negotiation ought to have preceded instead of following his promise to rule. The experience which he had thus gained in 1830 stood him in good stead in 1831. Chosen by the Belgians for the vacant throne, and approved by the representatives of the five Powers, he steadily refused to accept the crown till the matters in dispute between the Conference and the provisional Government at Brussels had been definitely arranged.[4]

Forces the Plenipotentiaries to reconsider the ultimatum.

Leopold's decision brought matters to an issue. The best chance of settling the Belgian question lay in his acceptance of the throne; and, as Leopold declined to accept the throne till the Conference had made terms with the Belgians, and as Belgium refused to accept the eighteen articles, the Conference

[1] "The Powers have no intention whatever of negotiating with your Royal Highness. They expect a simple acceptance of their proposal, and would consider a conditional acceptance as a virtual refusal." *Stockmar*, vol. i. p. 97.

[2] Ibid., p. 108.

[3] Ibid., pp. 110, 113.

[4] *Palmerston*, vol. ii. p. 77. *Stockmar*, vol. i. p. 153.

was compelled to reconsider its conditions. Throughout the month of June an informal negotiation was conducted for their modification. This negotiation resulted in the most important consequences. The five Powers decided on substituting new terms for the eighteen articles which they had drawn up in January.[1] In January they had determined that Luxemburg, "possédé à un titre différent par les Princes de la Maison de Nassau," should continue to form part of the Germanic Confederation. In June, they pledged themselves to use their best endeavours to maintain the *status quo* in Luxemburg during the progress of the negotiations which the sovereign of Belgium would open, on the subject of the Duchy, with the King of the Netherlands and the Germanic Confederation. In January they had determined that Belgium should bear rather more than one-half of the debt of the United Netherlands; in June they simply contented themselves by assigning to each country the share of the debt which belonged to it before the union, and by declaring that the debt contracted since 1814 should be divided in a just proportion between them. In addition to these concessions, the Conference decided that "an amicable arrangement should be concluded respecting Maestricht, a town which intercepted the direct traffic between Antwerp and the Rhine, and which had been assigned in the original articles to Holland. These resolutions, again embodied in eighteen articles, were adopted by the Conference on the 26th of June. On the same day Leopold declared his readiness to accept the throne, provided that the Parliament of Belgium accepted the articles. The Belgian Parliament, after a keen debate, accepted the articles on the 9th of July;[2] and, on the

The eighteen articles are modified.

Leopold accepts the throne.

[1] For the new articles see *State Papers*, vol. xviii. p. 803. A translation, which is in reality rather a summary than a translation, is in *Ann. Reg.*, 1831, Chron., p. 383. The *Ann. Reg.*, edited by a Tory, declared (ibid., Hist., p. 399) that the Conference withdrew its declaration that Luxemburg belonged to Holland. Alison repeats the statement (vol. iv. p. 568). The Conference, however, had never said anything of the kind. It had expressly stated, from the first, that Luxemburg did not belong to Holland, but that it was a part of the Germanic Confederation.

[2] *State Papers*, vol. xviii. pp. 806, 807.

16th of July, Leopold left London for the new throne which was thus offered to him.

The reasons which made the amended articles palatable to Belgium rendered them distasteful to Holland. The five Powers prudently sent them to the Hague by the Baron de Wessenberg, one of the Austrian Plenipotentiaries, who was thought to be peculiarly capable of conciliating the Dutch Court. Probably no messenger would have been able to soothe the angry feelings which prevailed there. Wessenberg was not able to obtain consideration for the articles which he brought with him. On the 12th of July the Dutch Ministry formally rejected them, winding up the long despatch in which their rejection was notified to the Conference by intimating that Leopold, in accepting the sovereignty of Belgium without conforming to the conditions to which Holland had agreed in January, had made himself the enemy of Holland.[1] The Dutch Government, indeed, professed its readiness to continue the negotiations, which had been already protracted over so many months; but it decided on assisting the task of the Plenipotentiaries in London by military measures[2] in the Low Countries. The general commanding the Dutch garrison at Antwerp was accordingly instructed to notify the termination of the armistice on the 4th of August; and 50,000 Dutch troops, under the command of the Prince of Orange, were marched towards the Belgian frontier.[3]

The Dutch Court rejects the modified articles,

and declares war.

Leopold's Government was in no condition to resist the armed attack which was on the point of being made upon it. Belgium lay open to the invasion with which she was immediately threatened, and possessed no force with which she could bar the way to her capital. The Tory party in Britain, clinging to the cause of autocracy, saw a ready solution for the Belgian difficulty in the defenceless condition of the Belgian territory. The five Powers, they thought, should have drawn a military cordon round the Netherlands, and have allowed the nations,

[1] *State Papers*, vol. xviii. p. 816. [2] Ibid., p. 819.
[3] *Stockmar*, vol. i. p. 173.

like combatants in the prize-ring, to fight out their own quarrel.[1] Fortunately, however, for humanity there was one reason which made it impossible to adopt the counsel of the Tories. Leopold cried out for help.[2] Louis Philippe, without waiting for the co-operation of his allies, at once despatched Marshal Gérard and a French army to Belgium. On the 10th of August Gérard crossed the frontier. He was not a moment too soon. The levies which Leopold had hastily collected had already retired in disorder before the Dutch troops. On the 12th Leopold himself was forced to fall back upon Louvain. The Dutch troops, animated by their success, were pursuing their march; and a conflict between the French army on the one side and the Dutch army on the other seemed inevitable. Happily Sir Robert Adair, who had just been despatched as ambassador to Brussels, hurried to the Prince of Orange and prevailed upon him to agree to a suspension of arms. Adair's timely interference averted a conflict which might probably have led to a European war.[3]

The French enter Belgium.

Sir R. Adair obtains an armistice.

French troops and Adair's address had, for the moment, saved the infant kingdom; but the presence of Marshal Gérard's army in Belgium added a new anxiety to the representatives of the Powers in London. The hasty action of the King of Holland had precipitated the crisis which they had endeavoured to avert; and Belgium, held by a French army, owed its safety and existence to France. The French Government, indeed, declared that its troops had marched to carry out the decisions of the Conference, and that the period of their sojourn in Belgium would be determined in concordance with the five Powers. These assurances only partially satisfied

[1] See the opinion deliberately stated in *Alison*, vol. iv. p. 563.

[2] The expression is in *Stockmar*, vol. iv. p. 175.

[3] Sir Robert Adair was the son of George the Third's Staff surgeon. His mother was Lady Caroline Keppel. He was so keen a Whig that (according to Lord Albemarle) "at six years old, in the Wilkes and Liberty riots, he broke his father's windows because he was a placeman." His interference in 1831 was not effected without personal danger. He "was shot at"—so he wrote to Mr. Coke—"like a Holkham rabbit." *Albemarle*, vol. i. pp. 226, 235. Cf. *Stockmar*, vol. i. p. 175.

the representatives of the other Courts. History had repeatedly proved that it was not always easy to fulfil a pledge of this character. The popularity which Gérard's expedition had won for Casimir Périer's Ministry obviously increased the difficulty of the French Government in withdrawing from Belgium.[1] It was evident that the hasty withdrawal of the French army might precipitate a crisis both at Paris and at Brussels. In the one town Leopold could not stand alone; in the other Périer would lose all his popularity by withdrawing from his position.[2]

These reasons, however, plausible as they were, could not have much weight with the British Government. Tradition and policy were both opposed to the presence of a French force in Belgium; and no minister, to whatever party he had belonged, could have ventured to assent to it. Tory members were impatiently inquiring in the House of Commons when the French occupation would cease; and Palmerston, almost as impatient as the Tories, was begging for a categorical reply from the French Government. War, so he plainly intimated to the British minister at Paris, would be the almost immediate consequence of any delay in evacuating the country;[3] and, as the French Ministry was unprepared to risk the consequences of a general war, Palmerston's importunity was successful. On the 18th of August the French consented to withdraw 20,000 men from Belgium. The remainder of their forces, they stated, would be withdrawn on the complete evacuation of the country by the Dutch troops.[4] In assenting to this arrangement, however, Sebastiani plainly

The French withdraw from Belgium.

[1] Casimir Périer's Ministry had been saved by the march of Marshal Gérard. His candidate for the presidency of the new Chamber of Deputies had only obtained a narrow majority of four votes over Laffitte, the Opposition candidate. Périer considered the majority too narrow to enable him to conduct the Government, and resigned office. King, Chambers, and Council all begged him to reconsider his decision. He refused. Immediately after his refusal news reached Paris of the invasion of Belgium by the Dutch troops. Recognising the importance of the crisis, and the necessity for meeting it, Périer resumed office, and ordered Gérard to enter Belgium. See *Guizot*, vol. ii. p. 194.

[2] *Palmerston*, vol. ii. p. 100.

[3] Ibid., pp. 105, 107.

[4] *State Papers*, vol. xviii. p. 830.

hinted that the French did not intend to loosen their hold upon Belgium until the Conference had decided the future of the frontier fortresses.[1]

Sebastiani's suggestion renewed the probability of a general war. The British Government was perfectly willing to consider the propriety of dismantling some of these fortresses; but it was unwilling to do so as the price of getting the French troops out of Belgium. The French troops were ostensibly carrying out the decrees of the London Conference; and they could not be allowed to remain in Belgium, when the object of their mission was fulfilled, in order that their presence might force the allies into making concessions to France. On the other hand, the British Government was faintly supported by the other Powers in demanding their withdrawal. Leopold himself thought their continued presence necessary. The whole burden of the fight fell on the British minister, but his firm and decided language gradually prevailed. By the end of August he succeeded in negotiating a six weeks' armistice between Holland and Belgium.[2] The conclusion of the armistice obviously weakened the grounds on which the continued presence of the French in Belgium had hitherto been justified; and, on the 15th of September, Talleyrand told the Conference that his Government had determined of its own free will to withdraw the last French soldier from Belgian soil.[3]

A double victory had thus been secured. Belgium was free from foreign soldiery; and a six weeks' interval had been gained for further negotiation. The Belgians thought that a direct negotiation with Holland would have a better chance of success than all the protocols of all the allies. With this view they gave Van de Weyer full powers to treat with Holland.[4] The first result of his appointment was a declaration from the Dutch Government that it could only treat under the mediation of the five Courts.[5] Van de Weyer,

Fresh negotiations.

[1] *Palmerston*, vol. ii. p. 14. [2] *State Papers*, vol. xviii. pp. 830, 833, 835.
[3] Ibid., p. 846; and cf. *Palmerston*, vol. ii. p. 120.
[4] *State Papers*, vol. xviii. p. 832. [5] Ibid., p. 849.

however, undeterred by this rebuff, sent the Conference the draft of a proposed treaty drawn by the Belgian Government. The Conference at the same time received a formal statement of the principle on which the Dutch Government was ready to treat.[1] It was obvious from these papers that the two parties were as far off from a common understanding as ever; and that the only chance of peace depended on an agreement among the five Powers.[2] The Conference accordingly, rejecting both the articles of January, and the terms which they had substituted for them in June, determined to draw up a new series of conditions, which might serve as the basis of a treaty between the two nations.[3]

The new conditions, to which the Conference agreed on the 14th of October, and which were embodied in twenty-four articles, differed both from the original terms of January and the amended proposals of June. In January the Plenipotentiaries had left Luxemburg with the King of Holland, as a part of the Germanic Confederation; in June they had contemplated a negotiation, between the Courts of Brussels and of the Hague, on the future of the Duchy; in October they gave the Walloon, or western, part of the Duchy to Belgium, assigning to Holland in exchange for it, as "une indemnité territoriale," the eastern portion of Limburg. In January the Plenipotentiaries had proposed that Belgium should bear rather more than one-half of the debt of the United Provinces; in June they had decided that each country should bear its own debt before the union, and that the liabilities contracted afterwards should be equitably divided between them; in October they translated this decision into words assigning to Belgium 8,400,000 of the 27,700,000 florins which formed the annual charge of the debt. In addition to these conditions the Conference secured to Belgium a right of way through the town of Maestricht and the free navigation of the Scheldt, and of all the

The twenty-four articles.

1 *State Papers*, vol. xviii. pp. 857–860.
2 *Palmerston*, vol. ii. p. 121; and cf. *Stockmar*, vol. i. p. 196.
3 *State Papers*, vol. xviii. p. 860.

waters which placed the Scheldt in communication with the Rhine.[1] They decided that these terms should be embodied, without the alteration of a word, in a treaty between the two countries; and that the five Powers should enforce their acceptance on either of the two which chose to reject them.[2]

Neither of the two countries regarded the new conditions with much favour. The Belgians thought themselves hardly used in being compelled to give up a part of Limburg; the Court of Holland thought itself hardly used in being compelled to give up anything. In Holland the public, weary of the struggle, were disposed to accept the articles,[3] while the Court was opposed to them. In Belgium, on the contrary, the people disliked the terms, while Leopold saw the wisdom of accepting them.[4] In both countries the view of the Court ultimately prevailed. Holland criticised the articles, and abstained from accepting them. The Belgian Parliament, debating them with closed doors, adopted Leopold's advice, and agreed to them.[5] As the Dutch Court refused to pledge itself to refrain from hostilities, the Conference invited the British Government to send a fleet immediately to Holland, and to stop any attempt to recommence the war.[6]

Holland rejects and Belgium accepts the articles.

The articles had been signed on the 14th of October. On the 15th of November they were embodied in a formal treaty. But the treaty added two stipulations which were not in the original articles. In the first place, the five Courts guaranteed the execution of all the

The treaty of the 15th November.

[1] This article is usually translated wrongly. *Stockmar* (vol. i. 200) says that Belgium was given "freedom of navigation on the Scheldt, and on the waters between the Scheldt and Rhine;" *i.e.*, on all the Dutch waters south of the Rhine. But the words of the article are much more limited: "Il est également convenu que la navigation des eaux intermédiaires entre l'Escaut et le Rhin, *pour arriver d'Anvers au Rhin, et vice versâ*, restera réciproquement libre." *State Papers*, vol. xviii. p. 896.

[2] Ibid., p. 902. The articles will be found in ibid., p. 894. Cf. *Stockmar* vol. i. p. 199; and *Palmerston*, vol. ii. p. 132, and note.

[3] See Sir C. Bagot's Despatches, vol. xix. pp. 830, 832.

[4] *Stockmar*, vol. i. p. 200; and cf. *Ann. Reg.*, 1831, Hist., p. 414.

[5] Ibid., p. 414; and *Stockmar*, vol. i. p. 208.

[6] *State Papers*, vol. xviii. p. 904.

provisions of the treaty; in the second place, they declared peace between Belgium and themselves. Conditions of such importance could only be framed by Plenipotentiaries on the understanding that the Governments which they represented should be free either to confirm or to disallow them. It was stipulated, therefore, that the treaty of the 15th of November 1831 should be ratified within two months, or before the 15th of January 1832.[1]

No one could doubt the policy of two of the five Powers. The British Ministry and the French Government were equally determined to enforce the decisions of the Conference, and to consolidate the new kingdom which they had been instrumental in forming. But the three autocratic monarchies of Eastern Europe had less interest in Leopold and the Belgians, and were indisposed to undo the work which they had accomplished in 1815. The close relationship,[2] moreover, which William of Holland enjoyed both with the King of Prussia and the Emperor of Russia necessarily affected the policy of the Northern Courts. The intermarriages of three generations had bound Berlin and the Hague indissolubly together; and the Dutch Court, therefore, naturally appealed to Berlin. A special envoy was sent from the Hague to beg the King of Prussia not to ratify the treaty of November. Moved by the appeals of his brother-in-law, Frederick William declared that he would delay his ratification as long as possible. That delay would afford the Dutch Government time to come to terms with the Conference.[3]

The Dutch appeal to Prussia.

William of Orange had only gained a partial success in Berlin. He turned from Berlin to St. Petersburg. His brother-in-law at Berlin had promised him to delay his ratification as long as possible. His son's brother-in-law at St.

[1] For the treaty see *State Papers*, vol. xviii. p. 645.

[2] William I. of Holland was by birth a cousin, by marriage a brother-in-law, of the King of Prussia. His second son and one of his daughters were married to children of the King of Prussia. His eldest son, William of Orange, the discarded suitor of Charlotte of England, was married to a sister of the Emperor of Russia. See *Stockmar*, vol. i. p. 236; and cf. p. 30.

[3] Ibid., p. 240.

Petersburg promised that he would not ratify at present. Russia, however, agreed with Prussia, that Holland must come to terms with the Conference. Prussia was not willing, Russia was not able, to lend Holland any material assistance.[1] Holland, therefore, could gain nothing by failing to make terms. The wisdom of this advice was soon apparent. On the 11th of January 1832, the Conference unanimously decided to extend the period for the ratification of the treaty to the end of the month.[2] On the 31st of January, the Plenipotentiaries of France and Britain formally ratified it.[3] At the request of the other Plenipotentiaries, however, the protocol was left open, in order that they might have the opportunity on some future occasion of following the example of Britain and France. Conscious of their own inability to prevent the march of events, the Eastern Powers continued to urge Holland to make terms with the Conference. Russia despatched Count Orloff on a special mission to the Hague with this object. The mission proved as fruitless as all the previous attempts to induce Holland to yield.[4] The king obstinately adhered to the points on which he had from the first insisted, and refused to give way. Orloff, in obedience to his instructions, threw on the Dutch Government all the consequences of this refusal, and left the Hague. On learning Orloff's failure Austria and Prussia instructed their Plenipotentiaries to ratify the treaty; and finally, on the 4th of May, the Russian Plenipotentiary ratified it.[5]

The treaty ratified by the Western Powers.

It is ratified by the Northern Powers conditionally.

In ratifying the treaty the three Eastern Powers attached conditions to their acts of ratification. Austria and Prussia reserved the rights of the Germanic Confederation; Russia excepted from her ratification the articles which related to the navigation of the Dutch rivers, and declared that the definitive arrangement between Belgium and Holland ought, in the Emperor's opinion, to be freely concluded by the two

[1] *Stockmar*, vol. i. p. 242. [2] *State Papers*, vol. xix. p. 91.
[3] Ibid., p. 92.
[4] *Stockmar*, vol. i. p. 243. Cf. *State Papers*, vol. xix. p. 853.
[5] Ibid., pp. 95, 98.

parties.[1] This stipulation almost annihilated the treaty of November. The article of the treaty which related to the navigation of the Scheldt was the very one which the Plenipotentiaries had intended to come into immediate operation. A stipulation that the arrangements between the two countries should be the result of free negotiation destroyed the guarantee which the treaty contained for the execution of all its articles. The Belgians were, in consequence, annoyed with Van de Weyer, their Plenipotentiary, for accepting the Russian ratification at all. Many of them clamoured for his recall. They failed to appreciate the moral advantage which the ratification by Russia had obtained for their country.

The solution of the Belgian question endangered by a ministerial crisis in Britain.

Yet this advantage was immediately apparent. Three days after the Russian ratification the Grey Ministry, defeated on the Reform Bill, resigned; and Wellington was instructed to form a Government. For a whole week it seemed probable that the Tories would be restored to office. It was almost impossible to predict the consequences of their return to power. It was no secret that the king disliked the foreign policy of the Whig Ministry.[2] It was notorious that the Tories objected to the treaty of November;[3] and it was known that both Wellington and Aberdeen were of opinion that the failure of any one of the five Powers to ratify it would make the whole document null and void.[4] The Russian ratification had removed the danger to Belgium which the defeat of the Whig Ministry would otherwise have created. However much they might dislike the policy of their predecessors, the Tories could not ignore a treaty which had been solemnly ratified by all the parties to it.

Wellington, however, did not succeed in forming an Administration; Grey resumed office; and the ministry which had negotiated the treaty of November was consequently charged with the duty of executing it. The Belgian Government was

1 See *Stockmar*, vol. i. p. 252. The text of the ratifications will be found in *State Papers*, vol. xix. p. 1412.

2 Correspondence of Earl Grey and William IV., vol. ii. p. 351.

3 See the House of Lords' debate of the 26th of January 1832. *Hansard*, vol. ix. pp. 834–893.

4 *Stockmar*, vol. i. p. 257.

naturally desirous to insist on its immediate execution. The citadel of Antwerp was occupied by Dutch troops, which threatened the free navigation of the Scheldt; the navigation of the Meuse was impeded; and Belgium could not be satisfied with the state of things which endangered her communications with the sea and with the Rhine. Forced forwards by these circumstances, she formally told the Conference on the 7th of May that she should retain in her own hands the amount due from her on account of her share in the Dutch debt, as some compensation for the heavy expense thrown upon her by the prolongation of a crisis which might possibly result in war.[1] On the 13th of June her Plenipotentiary reminded the British Government that the honour and the dignity of England required the execution of the treaty of November.[2]

Belgium presses for the execution of the treaty.

It so happened that, at the moment when Belgium was pressing for the immediate execution of the treaty, affairs in France assumed a shape which made its execution impracticable. For more than a year Casimir Périer had succeeded in fulfilling the promise of his ministry, and preserving peace abroad and tranquillity at home. The friends of order rallied round his Government, and thought the future of France dependent on his life and power. In the spring of 1832 the cholera, which had ravaged the Continent, made its appearance in Paris. The mortality was great; the alarm was general; and Louis Philippe, desirous of checking the panic, decided on visiting the Hôtel-Dieu, where the cholera patients were lying. He was accompanied by Périer, and the visit was a long and painful one. Three days afterwards Périer was seized with the disorder. In his case the disease did not terminate with the suddenness with which it usually struck down its victims. But, after an illness protracted over six weeks, Périer succumbed to the attack.[3] The man who had preserved order at home and peace abroad was lying—so the public learned on the 16th of May—dead at his hotel.

The death of Casimir Périer.

[1] *State Papers*, vol. xix. p. 104. [2] Ibid., p. 718. [3] *Guizot*, vol. ii. p. 322.

Most Frenchmen were shocked at the premature death of the man whose ministry seemed essential for the best interests of their country. But a large party among the French welcomed the news. The Duchesse de Berri, whose little son, just attaining his twelfth year, was the hope of the Legitimists, had landed in La Vendée and unfurled the white flag. The Duchesse de Berri's chances seemed obviously improved by the removal of the strongest hand in Louis Philippe's council-chamber. Legitimacy, however, was not the only danger which threatened the mutilated[1] ministry. French democrats objected to the policy of resistance which Périer had consistently pursued. They embodied their objections in a pamphlet called the "Compte Rendu"—the account against the ministry. Many of them, organised in secret societies, were naturally prepared to go much farther than the authors of the "Compte Rendu." The funeral of General Lamarque, an old officer who had won a reputation for courage under Napoleon, and who had gained repute as a Liberal under the Restoration, afforded a pretext for an uprising. A chance collision with the troops soon assumed the proportions of a battle, and led to the outbreak of the 5th and 6th of June 1832.[2]

Its consequences.

Casimir Périer's death was thus succeeded by a Legitimist rising in the West of France, and a Republican rising in Paris. The rising in La Vendée was suppressed with ease; the insurrection in the streets of Paris was put down with difficulty. But the double struggle in which the ministry was engaged intensified the crisis which Périer's death had caused. Months passed away before Louis Philippe was able to reconstruct his ministry. At last, in October 1832, Soult, the old opponent of Wellington in the Peninsula, was promoted from the Ministry of War to the Presidency of the Council. The Duc de Broglie immediately afterwards succeeded Sebastiani in the Foreign Office, and

The French Ministry reconstituted under Soult.

[1] "Le Cabinet mutilé." *Guizot*, vol. ii. p. 338.

[2] For an account of these events see ibid., pp. 322-337. It is the rising of the 5th and 6th of June which Victor Hugo has immortalised in "Les Misérables."

Guizot returned to the office, which he had previously held, of Minister of Public Instruction.[1]

During the interval between the death of Périer and the formation of the ministry of October the Belgian question made no progress. The British Ministry hesitated to place any reliance on a French Cabinet which was without a head.[2] Distrusting France, it endeavoured to conclude some arrangement with the other Powers. To conciliate Russia the British Plenipotentiary persuaded the Conference to suspend the execution of the articles relating to the navigation of the Dutch rivers and the partition of the debt.[3] This compromise was defeated by the obstinacy of the Dutch, who formally refused either to accept it, or to evacuate the positions which they held in Belgian territory.[4] In notifying their refusal to the Conference they forwarded to the Plenipotentiaries the draft of a new treaty to which they professed themselves willing to agree.[5] The Plenipotentiaries declined to substitute Dutch conditions for those which they had laid down themselves.[6] The period for negotiation was thus obviously over: the period for action had begun.

Fruitless negotiations respecting Belgium.

Three of the five Powers, however, still shrank from action. Autocratic Governments naturally sympathised with a king struggling against the recognition of a country which owed its origin to revolution. In addition to this general consideration Prussia was nervously apprehensive of the possible consequences to herself of a French occupation of Belgium; and was threatening, in the event of it, to protect her own frontier by marching an army down the right bank of the Meuse.[7] Prussia, however, was, at that time, the weakest of the autocratic Powers. She dared not move without the assistance of Russia; and Russia, it so happened, had precluded herself from moving by a very singular arrangement. During the course of the Great War Russia had borrowed from a Dutch house at Amsterdam the sum of 25,000,000

[1] *Guizot*, vol. ii. p. 359. [2] *Stockmar*, vol. i. p. 275.
[3] *State Papers*, vol. xix. pp. 117–122; but cf. ibid., p. 877.
[4] Ibid., p. 125. [5] Ibid., p. 134. [6] Ibid., p. 142.
[7] *Stockmar*, vol. i. p. 265.

florins. After the conclusion of the war the King of the Netherlands and the King of Great Britain respectively agreed to bear one-half of the charge of this debt.[1] It was stipulated, however, that the charge should cease in the event of the sovereignty over the Belgian provinces passing at any period from the King of the Netherlands.[2]

The Russian-Dutch Loan.

The contingency mentioned in the treaty had occurred. The sovereignty of Belgium had passed away from Holland. The statesmen who had negotiated the treaty, however, had feared that Belgium would be torn away from Holland by the application of external violence. They had not foreseen the possibility of the Revolution of July. They had imagined that Britain would be the chief opponent to the separation of the two kingdoms; they had not foreseen that the task of rendering Belgium independent would be reserved for a British Foreign Minister. They had desired to give Russia a direct interest in preserving the union; they had never imagined that it would be the object of Britain to terminate and of Russia to preserve it. Yet Russia had resisted the separation. She had offered to set troops in motion to prevent it.[3] She had done her best to maintain the settlement of 1815; and she had, consequently, a right to insist that Britain should not take advantage of her own breach of that treaty to relieve herself from a charge which the treaty imposed upon her. Judged by the letter of the arrangement, no doubt, Great Britain was no longer liable to pay any portion of the Russian-Dutch Loan. Judged by the spirit of it, she could not honestly forego one iota of the charge which she had undertaken.

The claim of Russia to the continuance of its payment by Britain.

Palmerston adopted the liberal construction of the treaty. He decided that Britain was equitably liable to go on defraying its portion of the loan, and he consented to admit the

[1] The charge was: interest, 3 per cent., 750,000 florins; Sinking Fund, 1 per cent., 250,000 florins. The whole charge therefore was 1,000,000 florins.

[2] "Soustraites à la domination de Sa Majesté le Roi des Pays-Bas." See Article V. of the Treaty, in *State Papers*, vol. xviii. p. 931.

[3] *Stockmar*, vol. i. p. 267.

liability in a new convention. He had the dexterity, however, to use the convention both as a spur and a bridle to Russia. Signed in London the day after the treaty of the 15th of November, there can be no reasonable doubt that it served as an inducement to the Russian Plenipotentiaries to consent to the treaty. But it also afforded an effectual guarantee against any future action of Russia in opposition to Britain. The Emperor promised that, if the arrangements agreed upon for the independence and the neutrality of Belgium should be endangered by the course of events, he would not contract any other engagement without a previous agreement with his Britannic Majesty.[1] Palmerston, therefore, by concluding the convention had effectually prevented any interference on the part of Russia with the policy of Britain. These arguments, however, could not be used in their integrity in public. It was impossible to plead in Parliament that the convention was a bribe which had induced Russia to sign the treaty of November; or to urge that it had effectually prevented a Russian army marching to the assistance of the House of Orange. All that ministers could do was to maintain that the good faith of the country required the strict fulfilment of its obligations; and that men of honour should recognise the spirit and not the letter of their engagements. This argument, however, did not satisfy the public. Russia was unpopular in England; the Liberals disliked giving any pecuniary assistance to a Power whose foreign policy they distrusted, and whose domestic policy they reprobated. The Tories gladly seized any opportunity for damaging a ministry which was pressing the Reform Bill. Herries undertook to embody these views in a series of resolutions, which he proposed on the 26th of January 1832. The resolutions affirmed that the payments made on account of the Russian-Dutch Loan were unwarranted by law and contrary to treaty.

The Loan attacked in Parliament.

The debate which took place on Herries' motion was very nearly fatal to the Whig Ministry. The law officers

[1] *State Papers*, vol. xviii. p. 931.

argued the case inefficiently; ministers themselves had little confidence in it; and nothing but a powerful speech from Palmerston, and the general conviction that the defeat of the Government would lead to a change of ministry, deprived Herries of his victory.[1] Althorp himself avowed that, if the question had been decided upon its merits, it would have been decided against ministers; and Parnell, the Secretary-at-War, refused to vote with his colleagues, and was turned out of office in consequence of his refusal.[2] Unluckily, too, for the ministry, a single debate did not terminate its embarrassments. A treaty pledging the country to an annual payment required confirmation by Parliament; and every debate on the bill which was introduced for the purpose enabled the Opposition to re-state the objections to the convention. Three great attacks on the policy of the convention were made by the Opposition towards the close of the session of 1832. The ministers succeeded, on each of these occasions, in obtaining a majority; but their efforts to do so proved a serious strain on the fidelity of their supporters.[3]

Russia is precluded from action by accepting the Loan.

Embarrassing, however, as these debates proved, they strengthened the hands of the Foreign Minister. If the convention had not been ratified by Parliament Russia would have been free to render help to Holland. Its ratification precluded Nicholas from taking any steps in the matter, without the leave of England. The probability of its ratification had already suggested to Palmerston the propriety of a new step. Lord Heytesbury, who, before his elevation to the peerage, had served as envoy at the Courts of Naples and Madrid, had held for some time the embassy at St. Petersburg. He was in bad health, and anxious to be relieved from duties which had proved unusually laborious. It was, however, no easy

[1] *Hansard*, vol. ix. p. 903. Cf. *Spencer*, p. 389; *Greville*, vol. ii. p. 241; and *Denman*, vol. i. p. 376.

[2] Lord Grey's Correspondence with William IV., vol. ii. p. 164.

[3] See *Hansard*, vol. xiv. pp. 346, 493, 619. For the subsequent debates in the Lords, ibid., pp. 904–928. Cf. *Spencer*, pp. 389, 440.

matter to fill up the post which Heytesbury's retirement left vacant; and Palmerston decided before doing so on sending a member of the Cabinet on a special mission to St. Petersburg.[1]

Lord Durham's mission to St. Petersburg.

Lord Durham could speak, not merely with the authority of a Cabinet minister, but with the weight of Grey's son-in-law. He had an abundance of superfluous energy, which made a journey to St. Petersburg a pleasant change for him; he had nothing whatever to do as Privy Seal at home; and he was a disagreeable colleague. He was sent to St. Petersburg with orders "to use every effort to prevail upon the Russian Cabinet to give immediate instructions to the Russian Plenipotentiaries in the Conference to co-operate, on behalf of his Imperial Majesty, cordially and effectively, in whatever measures may appear to be best calculated to effect the early execution of the treaty."[2]

Durham's mission was not successful. Russia was unwilling to join the Western Powers in measures of coercion towards Holland; and the Western Powers were, as yet, unprepared to act alone. In the meanwhile, however, the British Foreign Minister decided on making one more effort to effect an amicable adjustment between the two disputants. For this purpose he privately consulted the representatives of both of them on the concessions which they could respectively make, and embodied in a document—which was afterwards known as his *thème*—the alterations in the treaty which thus seemed necessary. The Belgians were not unwilling to accept these alterations. The Dutch declared that they were not even authorised to discuss them. This declaration was communicated to the Conference on the 30th of September 1832.[3] Its communication destroyed the little patience which the Plenipotentiaries of the Western Powers still possessed. The next day the French Plenipotentiary formally suggested the employment of force. The British Plenipotentiary supported the suggestion. The representatives of the three Northern

Palmerston draws up a *thème*.

Britain and France determine on action.

[1] *Hansard*, vol. xx. p. 901. [2] *State Papers*, vol. xix. pp. 875–878.
[3] Ibid., p. 149. For Lord Palmerston's proposal see ibid., pp. 153–165.

Courts in vain asked for more delay. France and England rejoined that there had been too much delay already. The Conference, thus divided in opinion, separated[1]—the representatives of the three Northern Powers to report that their last card had been played, that their last trick had been lost; the representatives of the Western Powers to concert between themselves the new course which it was necessary for them to pursue.

There was no longer any difficulty in devising measures of coercion. The interval which had elapsed between the death of Périer and the formation of Soult's Ministry was almost terminated. France was again under the control of a firm Government; and France had received a new interest in the settlement of the Belgian question by the marriage of Leopold with a daughter of the King of the French. Urged forward by these considerations, the French Government concluded a convention with Great Britain for carrying into execution the stipulations of the treaty of November. The two Powers required Holland to withdraw all its troops from Belgian territory before the 12th of November 1832; and they agreed,[2] if it declined to do so, to place an embargo on all Dutch shipping in their ports; to station a combined squadron on its coasts; to move a French army into Belgium; and to drive the Dutch garrison from the citadel of Antwerp. This treaty was signed by Palmerston and Talleyrand on the 22nd of October 1832. On the 6th of November an embargo was laid, by Order in Council, on all vessels bearing the Dutch flag in British ports.[3] Nine days afterwards a French army, under Marshal Gérard, crossed the Belgian frontier and marched upon Antwerp. The citadel of Antwerp, which commands the navigation of the Scheldt, had from the commencement of the Revolution been held by a Dutch garrison. The Dutch troops, under the command of General Chassé, attempted a brave resistance. But the force arrayed against them was

Antwerp capitulates.

[1] *State Papers*, vol. xix. p. 184.
[2] For the treaty see ibid., p. 258.
[3] For the Order in Council see ibid., p. 1420.

so strong that a protracted defence of the position became impossible. On the 23rd of December the citadel capitulated, and the war was over.[1]

Belgium gained her independence with the capitulation of Antwerp. Years, indeed, elapsed before the Dutch Court consented to recognise the new kingdom which had been carved out of the southern provinces of the Netherlands. But the refusal of Holland to recognise facts, which were patent to Europe, only caused inconvenience to its own statesmen, and afforded little or no embarrassment to the Belgians. The French were naturally elated at the part which their own arms had played in the closing scene of the drama. Even a calm thinker, who seldom allowed himself to be betrayed into exaggeration, spoke of the siege of Antwerp as "cette brillante solution française de la question belge."[2] Historians, endowed with more enthusiasm than Guizot, wrote of the operations as if Gérard had emulated the deeds of the Duke of Parma, and declared that the siege was "mémorable entre tous ceux qu'a mentionnés l'histoire."[3] Such language gratified the vanity of the French nation, and strengthened the position of Soult's Government.

Enthusiasm at these events in France.

The British people could not be expected to join in the enthusiastic congratulations of their allies, or to take any very keen interest in the military display which France was making; they could hardly avoid feeling some regret for the misfortunes which the obstinacy of a Court had brought upon the Dutch. William IV. himself disliked the policy which his ministers had forced on him. He distrusted France; he did not believe the assurances of her statesmen; and he hated the notion of any co-operation between the French and his own Government.[4] The king's feelings were shared by the Tory party. At the opening of the session of 1833 the Tories complained of a policy which had separated Britain from the Northern Powers; they criticised the Orders,

Feeling in Britain.

1 The details of the siege are related in *Ann. Reg.*, 1832, Hist., p. 367.

2 *Guizot*, vol. iv. p. 32.

3 *L'Histoire de dix Ans*, vol. iii. p. 430.

4 Correspondence of Lord Grey with William IV., vol. ii. pp. 351, 385. *Stockmar*, vol. i. p. 290.

which had interfered with the Dutch trade; and they scouted the suggestion, which Palmerston threw out, that the attack upon Antwerp could not be regarded as an act of war, but ought to be looked upon as a civil ejectment.[1]

These criticisms were chiefly heard in two places. They were raised at the opening of the session in the House of Lords; they were repeated by London merchants in the London Tavern. Peers in Parliament, traders in the City, were equally angry. But the House of Commons, just elected by an enlarged constituency, cared for none of these things. The Address was angrily debated for four nights, yet none of the speakers, except Peel, referred to foreign policy. A week after the debate on the Address, Peel again endeavoured to excite a little interest in the concerns of Holland. The Reformed House of Commons was much too busy in discussing Stanley's treatment of the Irish to take any interest in Palmerston's treatment of the Dutch. Peel's motion was talked out; and serious debates on foreign policy were, during the remainder of the session, confined to the House of Lords.[2]

Yet there had never been a period in the history of England when affairs of foreign policy more thoroughly deserved the attention of statesmen. The Revolution of July, which had led to the independence of Belgium, had produced trouble and disturbances in almost every country on the Continent; and Europe was still agitated by the passions which had

[1] *Hansard*, vol. xv. p. 383; and vol. xvii. pp. 1074–1101. A British sailor was charged with being drunk in the streets, and with swearing aloud that the British flag was disgraced by sailing in company with the French tricolour. He was fined 30*s*., and sentenced to two months' imprisonment in default, declaring to the end, "You may send me to prison, but the British flag is not the less disgraced." This was a hero after the Tories' own hearts; and a subscription was made at the Carlton for paying his fine. (*Raikes*, vol. i. p. 112.) This not very creditable anecdote contrasts favourably with the ordinary language of Raikes' diary in 1833. He was not ashamed to write that it would be rather amusing if the English pilots, who detest the tricolour, should have run them (the French ships) aground. (Ibid., p. 100.) Even Peel told his friends that he had seen a picture of General Chassé, and that he had "a most unsurrendering countenance." (Ibid., p. 110.)

[2] For the debate on the Address see *Hansard*, vol. xv. p. 140. For Peel's speech, ibid., p. 382; for his later motion, ibid., p. 770.

thus been excited. The example of the French was followed in Germany, Italy, and Poland. In Germany disturbances broke out in Hanover, in Brunswick, and in Hesse Cassel. In Hanover the movement was, happily, suppressed without bloodshed; and the authority of the Duke of Cambridge, who held the regency of the kingdom, was quietly restored. In Brunswick the reigning Duke was forced to fly from his Duchy, and to allow his younger brother to mount his throne. In Hesse Cassel the Elector was compelled to admit his eldest son to a share in the government of the Electorate.[1]

Revolution in Germany.

The changes in the government of the obscure little States of Germany did not attract much attention. But the convulsion which was shaking Germany was felt more acutely in Italy. Italy, indeed, in 1830, was only a geographical expression; but Italy was already sighing for the unity which was the dream of all her patriots. She lay palpitating under the chains which condemned her to impotence: vainly hoping for the deliverance which was being continually postponed.

Italy.

Italy, then, was ripe for insurrection. In February 1831 insurrection broke out in the little State of Modena. The insurgents, under Menotti, were in the first instance defeated by the troops of the Duchy. But the contagion of revolt soon spread. The inhabitants of Bologna raised the tricolour; other cities in the States of the Church followed the example of the Bolognese. Modena recovered from the dejection which the defeat of Menotti had in the first instance produced. Reggio, like Modena, disowned the authority of the Archduke. The Duke, powerless to resist, fled to Mantua. The Pope, powerless even to fly, trembled in the Vatican. Central Italy had suddenly risen with almost irresistible power against its rulers; and sanguine patriots, confident from a preliminary success, believed that the hour of Italian unity had arrived.

Modena.

If Italy had been allowed to work out her own destiny

[1] *Ann. Reg.*, 1831, Hist., pp. 416–419.

alone this result might have happened. But there was one Power in Europe which had no intention to allow liberty to oppressed nationalities. Austria had already massed one hundred thousand troops in Lombardy; and Pope and Archduke, unable to control their own subjects, appealed to Vienna. The principles which the potentates of Europe had laid down at Laybach still influenced the counsels of Francis of Austria. Convinced that "useful or necessary changes in legislation and in the administration of States ought only to emanate from the free will and the intelligent and well-weighed convictions of those whom God has rendered responsible for power," he was as ready in 1831 as he had been in 1821 to march an army into Italy. His decision to do so was on the eve of terminating the peace of the world. The French Ambassador at Vienna was instructed to declare that France would not allow an Austrian army to enter the States of Rome. He urged his own Government to anticipate the war and enter Piedmont.[1]

Austria intervenes.

War would certainly have occurred if Laffitte's Ministry had remained in office. The riots, however, which disturbed Paris in February 1831 alarmed the friends of order. Laffitte fell, and Périer, as already stated, became Prime Minister. Casimir Périer regulated his policy by the advice of Talleyrand; and Talleyrand was in favour of doing one thing at a time. From his point of view it was a more important thing for France to settle the Belgian question than to aid the Italians. It became consequently necessary to explain away the declaration that the French would not suffer the Austrians to enter Italy. Sebastiani, the French Foreign Minister, explained the difference between "not consenting" to a thing, and "making war" to prevent it. Casimir Périer, the new Prime Minister, contended that "le sang français n'appartient qu' à la France."[2] These declarations relieved the Austrians from all apprehensions. The insurgents were, of course, incapable of resisting

[1] *Ann. Reg.*, 1831, Hist., p. 451. *L'Histoire de dix Ans*, vol. ii. pp. 303–305. *Palmerston*, vol. ii. p. 50, note.

[2] *L'Histoire de dix Ans*, vol. ii. pp. 313, 314.

a first-rate military power. A bloodless campaign of eight days restored the power of the Vatican, and peace—the peace of subjection—reigned again in Italy.[1]

Italian insurgents were naturally disappointed at the failure of the insurrection. They had relied on French aid; and France, under Casimir Périer, had refused to help them. The friends of progress in France bitterly regretted the part which their country had played. Regret, however, was already too late. The power of the Vatican was again supreme throughout the States of the Church; and all that France could do was to obtain the withdrawal of the foreign bayonets which protected the throne of Christ's vicar. The Great Powers thought that the authority of the Church would be strengthened if the Pope conceded some reforms to his discontented subjects. Even autocrats admitted that reforms might be initiated by themselves; and, as a new Pope —Gregory XVI.—had just assumed the papal crown, the moment seemed exceptionally opportune for their initiation. The representatives of the five Powers at Rome accordingly urged the concession of reforms in every department of the Government. Laymen, they suggested, should be eligible for judicial employment; municipalities should be organised in the towns; provincial councils should be established in the delegations; and the finances of the State should be regulated on sound principles.

The Pope assented to the reforms which the Powers impressed upon him; and ultimately embodied them in five edicts, which extended over two hundred quarto pages.[2] He had no longer any excuse for retaining the troops of Austria to maintain order among his crushed and disconsolate people. He let them go; and he announced their departure with expressions of gratitude to his deliverers and of reproaches to his subjects. "The Imperial

Gregory XVI. promulgates reforms.

[1] The proclamation of Baron de Frimont, the Austrian general, issued from Milan at the commencement of the campaign, was dated March 19, 1831. (*State Papers*, vol. xix. p. 1427.) The campaign was practically closed with the occupation of Ancona, on March 27.

[2] For these reforms see Guizot's *Mémoires*, Pièces Historiques, vol. ii. p. 432.

and Royal Austrian troops, after having made a short sojourn amongst you, having completed the work of your deliverance, and re-established amongst you the pacific government of your legitimate sovereign, quit this country, leaving behind the pleasing recollection of the exemplary discipline which they have maintained, and the tranquillity which you have enjoyed under the protection of their respected and glorious arms. Such a benefit calls for all your gratitude; and, if the remedy for so many evils which have been caused by a disgraceful revolt has cost you some sacrifices, the remembrance of them will render you careful to prevent any fresh disorders, and remind you that the Powers, who are guarantees of the integrity and independence of the dominions of the Holy See, will never be indifferent to the disturbances which may break out amongst you. It remains, therefore, for you to choose between respect for public order and your own good, and disorder, with the immeasurable abyss of calamity and misery which is the inevitable consequence of it."[1]

The Austrians evacuate the States of the Church.

Unfortunately for his Holiness, the wretched inhabitants of the Romagna did not share with him the pleasing recollection of the exemplary discipline which had been maintained by the Austrian soldiery, or regard with similar gratitude the pacific government of their legitimate sovereign. Notwithstanding the immeasurable abyss of calamity and misery which the Pope assured them was the inevitable consequence of disorder, fresh disturbances broke out in the legations. The Papal troops, ordered to repress them, acted with a cruelty which increased the animosity of the insurgents. The Pope again applied to Austria for aid against his subjects; and on the 19th of January 1832 the Austrian troops, under the command of Radetzky, an officer destined to acquire fame in Italy, again crossed the Po, and entered the Romagna.[2]

Fresh disturbances occur.

Second Austrian occupation.

The Austrians probably hoped that the French would

[1] *State Papers*, vol. xix. p. 1427.

[2] Radetzky's proclamation will be found in *State Papers*, vol. xix. p. 1428.

maintain their previous attitude of neutrality. But there is a limit to the endurance of the most patient nations. France could not tolerate the chronic appearance of the Austrian eagles in Rome; and the French Ministry accordingly decided to throw a French force upon Italy. A man-of-war and two frigates were ordered to sail for Ancona, and to occupy the town. The ships had, of course, to circumnavigate Italy; the commander-in-chief of the expedition, General Cubières, was instructed to proceed direct to Leghorn, and to obtain the Pope's assent to the landing of the troops. It was supposed that Cubières, who had only a few hundred miles to go, would complete his mission before the circumnavigation of the Peninsula had been effected by the French vessels. The winds of heaven, however, occasionally upset the most careful calculations. Cubières was delayed by contrary gales; the squadron completed an unexpectedly rapid voyage. Without waiting for any message from Cubières the French effected a landing, occupied the town, and hoisted the tricolour. In one spot on Italian soil an effectual support had been given to the revolutionary movement.

The French occupy Ancona.

Gregory XVI. had welcomed the Imperial troops with gratitude. He saw the arrival of the French troops with consternation. His genuine alarm was shared by other nations. In this country the Tories were indignant at a proceeding which was subversive of all their traditions. Their indignation was increased by the success which the French achieved. The Tories began by laughing at an expedition which comprised only three men-of-war.[1] They ceased laughing when the three men-of-war raised the tricolour in the heart of Italy. Aberdeen denounced the expedition in the House of Lords. Sir R. Vyvyan and Lord Eliot attacked the French in the House of Commons.[2] But these attacks did not make much impression. Palmerston had, from the first, been of opinion that Austria had been "wrong and foolish"

[1] *Raikes' Memoirs*, vol. i. p. 17.
[2] *Hansard*, vol. x. p. 725; vol. xi. pp. 112, 129, 871.

in interfering at all.[1] Grey had, from the first, recognised the moderation of Périer's Government. Even the king sneeringly declared that he had fully expected "Aberdeen would make a piece of work about the Ancona business."[2] The French Government was persuaded to say that the naval officer in command of the expedition had exceeded his instructions in occupying Ancona without waiting for Cubières. He was consequently recalled. But the troops in occupation of the town were not recalled; the tricolour was not pulled down; and Austria learned, for the first time since Waterloo, that one Power in Europe was prepared to dispute her supremacy in Italy.

The party of progress in France was naturally elated at the Italian policy of the French Government. In one part of Europe, at any rate, French arms had given effective and timely aid to an oppressed people. But the wars of Italy were of much less interest to the French than the wars of Poland; and Poland, like Belgium and the Romagna, had felt the invigorating influence of the Revolution of July. The partition of Poland had been accomplished in a dark period of the preceding century. It was almost universally regarded in Western Europe as a mistake and a crime. It was a mistake to have removed the barrier which separated Russia from the West; it was a crime to have sacrificed a free and brave people to the ambition of a relentless autocrat. The resistance which the residue of the Poles opposed to its conquerors increased the compassion which was everywhere felt for the Polish people. The cause of freedom was identified with the cause of Poland, "and freedom shrieked" when Poland's champion "fell." The statesmen, however, who parcelled out Europe amongst the victorious autocrats in 1815 were incapable of appreciating the feelings which had inspired the Scotch poet. Castlereagh, indeed, endeavoured to make terms for Poland.[3] But he did

Poland.

[1] *Palmerston*, vol. ii. p. 50.
[2] Correspondence of Earl Grey and William IV., vol. ii. p. 257
[3] *Hansard*, vol. xiii. p. 1117.

not lay much stress on his demands. He contented himself with obtaining the forms of constitutional government for the Poles. Poland, constituted a kingdom, whose crown was to pass by hereditary succession to the Emperors of Russia, was to be governed by a resident Viceroy, assisted by a Polish Diet.[1]

Constantine, who had abdicated the crown of Russia in his brother's favour, was Viceroy of Poland. In the eyes of Russia he had one merit—by stern discipline he had made the Polish army an efficient force. In the eyes of Poland he had one merit—he had married a Pole. People who were neither Poles nor Russians saw no merit in a savage prince whose conduct and character made him more like a brute than a man. He was residing at Warsaw when the news of the glorious days of July reached Poland. The Poles were naturally affected by the tidings of a revolution which had expelled autocracy from France. Kosciusko—the hero of 1794—was their favourite patriot. The cadets at the Military School in Warsaw, excited at the news, drank to his memory. Constantine thought that young men who dared to drink to Kosciusko deserved to be flogged. The cadets, learning his decision, determined on resisting it. Their determination precipitated a revolution which, perhaps, in any circumstances, would have occurred. Every circumstance which could justify revolt existed in Poland. The Constitution provided for the regular assembly of the Diet: the Diet had not been assembled for five years. The Constitution declared that taxes should not be imposed on the Poles without the consent of their representatives: for fifteen years no Budget had been submitted to the Diet. The Constitution provided for the personal liberty of every Pole: the Grand Duke seized and imprisoned the wretched Poles at his pleasure. The Constitution had given Poland a representative government; and Constantine, in defiance of it, had played the part of an autocrat.[2] The threat of

The military cadets of Warsaw.

[1] The "Charte Constitutionnelle" of 1815 is published in *State Papers*, vol. xix. p. 971.

[2] *Hansard*, vol. xiii. p. 1122.

punishment, which Constantine pronounced against the military cadets, merely lighted the torch which was already prepared. Eighteen young men, armed to the teeth, entered the Grand Duke's palace and forced their way into his apartments. Constantine had just time to escape by a back staircase. His flight saved his life. The cadets only cut down a chief of the police and an aide-de-camp. The lives of police officers and soldiers are held at a cheap rate by the Tory historians who relate the annals of the world. Alison thinks it necessary to declare that little could have been expected from the insurrection if it had commenced with the murder of the Viceroy. He relates, without a trace of compunction, the slaughter of his unoffending officers.[1]

The insurrection, commenced in the Archduke's palace, soon spread. Some of the Polish regiments passed over to the insurgents. Constantine, who displayed little courage or ability, withdrew from the city; and, on the morning of the 30th of November, the Poles were in complete possession of Warsaw. They persuaded Chlopicki, a general who had served with distinction under Suchet in Spain, to place himself at their head. In some respects Chlopicki was well qualified for this position. He was a skilful soldier, and the services of a skilful soldier were of use to a people who were about to enter upon a struggle for their independence. In another sense he was disqualified for the position which was thrust on him. Accustomed to measure force by military rules, he was incapable of appreciating the power of a revolution. He could have proved to demonstration in 1776 that Washington was a fool, or in 1796 that Napoleon was a rash adventurer. Raised to the first position in the State, his warmest counsellors urged him to attack the few thousand men whom Constantine still commanded. Chlopicki preferred negotiating with the Russians. The negotiation, of course, failed. Nicholas had no intention to allow a fraction of his subjects to claim their virtual independence, and slowly commenced placing his huge legions

The insurrection of 1830.

[1] *Alison*, vol. iv. pp. 619–621.

in motion. "I am King of Poland," was his bold reply to Chlopicki's appeal: "the first cannon-shot fired by the Poles shall annihilate Poland."[1] The insulting language irritated the Poles into action. Chlopicki—his own well-intentioned effort having failed—resigned his office; and his fellow-countrymen invested Radziwil with the command of their army, and placed Adam Czartoryski at the head of the Government.

Nicholas despatches Diebitsch to Poland.

In the meanwhile Nicholas was steadily preparing for the contest which was before him. Diebitsch, who had brought the campaign of 1829 to a victorious conclusion, was entrusted with the command of the Russian army. Diebitsch never doubted that the troops which had crossed the Balkans and dictated peace at Adrianople would obtain an easy victory over the undisciplined peasantry who were collected under the banners of Radziwil and Czartoryski. With an easy heart he went to gather new laurels on the banks of the Vistula. Nearly every authority in Europe shared his views. One general alone, perhaps, suspected that he was over-confident. Wellington was moodily brooding over the consequences of the Reform Bill which the Whig Ministry was introducing; but he had a little leisure to devote to the prospects of the campaign on the Vistula. He had carefully studied the causes of Napoleon's failure in 1812; and he understood the nature of the country which Diebitsch would have to traverse. "On voit," he wrote to Madame de Lieven, "que le Maréchal Diebitsch doit passer la Vistule en courrier; et arranger le gouvernement polonais aussi vite que l'on va détruire le gouvernement britannique."[2]

It would be impossible in a history of England to give any detailed account of the campaign which immediately ensued, and which reawakened in Western Europe an extraordinary enthusiasm for Poland; but it will add interest to a pathetic chapter in the world's history if its outline be rapidly traced. The kingdom of Poland is divided into two portions by the

[1] *L'Histoire de dix Ans*, vol. ii. pp. 161, 239.

[2] *Wellington's Suppl. Correspondence*, vol. vii. p. 411.

Vistula, which, after entering it from Galicia, crosses it in a north-westerly direction. On the left bank of the river, nearly in the centre of the country, stands the town of Warsaw, the capital and the chief seat of the revolution. Some miles below Warsaw the Vistula is joined on its right bank by its great tributary the Bug, which, after separating Poland from the Russian provinces of Grodno and Volhynia, turns to the west and seeks the main river. An army attacking Warsaw from the east or the north must, therefore, be prepared to force a passage over the Bug and Vistula.

The description of Poland.

Three great military roads converge from the east upon Warsaw. The most northerly of these enters Poland at Kovno, crosses the Narew, a tributary of the Bug, at Ostrolenka, and runs down the right bank of the first of these rivers; the central road crosses the Bug at Brzesc and proceeds almost due west upon Warsaw; the most southerly of the three enters Poland from the Austrian frontier, crosses the Vistula at Gora, and proceeds along its west bank to the capital. Diebitsch decided on advancing by all three routes on Warsaw. Twenty thousand troops marched from the north, ten thousand from the south, while eighty thousand, under his own command, moved along the central and most direct route. The three Russian armies were, therefore, all separated from each other by deep and broad rivers. The separation was the more complete, because, in the spring of the year, both the Vistula and the Bug are full of blocks of floating ice, which interfere with the construction and endanger the safety of any temporary bridges. Radziwil awaited Diebitsch's attack a league in front of Warsaw. His right was covered by the Vistula; his centre was stationed at the little village of Grochow; his left, which was under the command of a gallant Pole, Skrzynecki, rested on a dense wood. He enjoyed the advantage of a central position; but he had no secure line of retreat. In the event of defeat a single bridge, in the rear of the army, crossed the Vistula near the village of Praga into Warsaw.

Diebitsch's original campaign.

Such was the scene of the first battle in the Polish war of independence. Diebitsch, on the 20th of February 1831, attacked the Poles; on the 25th he renewed the attack. The battle on the 20th raged round the village of Grochow; it raged on the 25th round the village of Praga. Fought with extreme obstinacy, neither side was able to claim any decided advantage. The Russians could boast that the Poles had withdrawn across the Vistula. The Poles could declare that their retreat had been conducted at leisure, and that the Russians were unable or unwilling to renew the attack. Diebitsch himself, seriously alarmed at the situation into which he had fallen, remained for a month in inaction at Grochow. Before the month was over Radziwil, who had proved unequal to the duties of his post, was superseded in the command of the Polish army by Skrzynecki. On the 30th of March, Skrzynecki crossed the Vistula at Praga, and attacked the division of the Russian army which occupied the forest of Waver, near Grochow. The attack was made in the middle of the night; the Russians were totally defeated; they experienced a loss of 5000 in killed and wounded, and 6000 prisoners.

Indecisive battle of Praga.

Skrzynecki defeats the Russians at Grochow,

Crippled by this disaster, Diebitsch fell back before the Polish army. Encouraged by his success, Skrzynecki pressed forward in pursuit. The great central road by which Warsaw is approached crosses the Kostczyn, a tributary of the Bug, near the little village of Iganie, about half-way between Russia and Warsaw. Eleven days after the victory of the 30th of March the Russians were again attacked by the Poles at Iganie. The Poles won a second victory. The Russians, disheartened at a succession of reverses, scattered before the attack; and the cause of Poland seemed to have been already won by the gallantry of her children and the skill of their generals.

and at Iganie.

Diebitsch, however, defeated at Grochow and Iganie, was not destroyed. He withdrew his shattered army across the Kostczyn to Siedlice, a little town in the rear of that river. Foregoing his original intention of advancing by three roads

on Warsaw, he determined to concentrate his right on the northern road at Ostrolenka, his left, on the direct road at Siedlice. It was open to Skrzynecki to renew the attack where Diebitsch expected it, and throw himself on the defeated remnants of the Russian army at Siedlice. Instead of doing so he took advantage of his central situation to cross the Bug and throw himself upon the Russian right at Ostrolenka. The movement was skilfully arranged; the attack was expeditiously delivered; it proved in the first instance successful. Half the Russian army was suddenly exposed to the assault of a superior force, the other half on the left bank of the Bug was isolated. Skrzynecki had reason to hope that he might obtain a complete success before Diebitsch could by any possibility march to the rescue. He failed. Diebitsch succeeded in concentrating his entire force before the destruction of his right wing had been consummated. On the 26th of May, Skrzynecki found himself opposed to the whole Russian army. Throughout the whole of that day the Polish levies gallantly struggled for the victory. When evening came they remained masters of the field which had been the scene of the contest. A negative victory of this character, however, was not the object of the great movement upon the Russian right. The Polish general, his army weakened by heavy losses, resolved on retiring upon Warsaw. Offensive operations were over: the defensive campaign had begun.

The battle of Ostrolenka.

Victory with the Poles had, in fact, proved as fatal as defeat. The Russians, relying upon their almost illimitable resources, could afford to lose two men for every one whom Poland could spare. Every fresh triumph weakened the resources of the revolt, and strengthened the relative power of autocracy. It happened, too, that a more fatal enemy than even war fell upon Poland in the hour of her necessity. The cholera, which had been rapidly advancing through Russia during 1830, broke out in the Russian army in the spring of 1831. The prisoners taken at Iganie communicated the seeds of infection to the Polish

The cholera.

troops. Both armies suffered severely from the disease; but the effects of it were much more serious to the cause of Poland than to the cause of Russia. Autocracy could, unfortunately, afford to change pieces. Nicholas was sure of his game if he could only take one pawn for every two which he lost. The cholera, however, unlike the autocrat whose cause it served, knew no distinction of persons. A fortnight after the battle of Ostrolenka, Diebitsch, who had advanced his headquarters to Pultusk, succumbed to the malady. In the same week Constantine, the Viceroy of Poland, and his Polish wife died.

Death of Diebitsch and Constantine.

Diebitsch's death concluded the first portion of the campaign of 1831. The varying incidents of the struggle had been watched with feverish anxiety in Western Europe. In Paris especially the people had raised a universal cry for aid to Poland.[1] The enthusiasm of the French was naturally increased by the news which rapidly arrived of the brilliant victories of Grochow and Iganie. At the time at which they were won Louis Philippe was supporting the claims of Belgium against the decisions of the London Conference; the French Ambassador at Vienna was forbidding the Austrians to enter the Romagna; the French Ambassador at Constantinople was urging the Turks to break with the Russians and declare war against them.[2] Thus, in the spring of 1831, war, universal war, seemed imminent in Europe. The torch was already lit which might have involved the entire Continent in a general conflagration.

Enthusiasm in France.

Peace seemed impossible. Yet peace was preserved by the fall of Laffitte and the accession of Casimir Périer to power. The differences respecting Belgium were settled by a satisfactory compromise; the threats respecting Italy were explained away; Poland, it was conveniently recollected, was removed by 400 leagues from the French frontier. France was condemned by her situation to a policy of inaction.[3] These arguments, plausible as they were, did not carry con-

[1] *L'Histoire de dix Ans*, vol. ii. p. 166. [2] Ibid., p. 303.
[3] Ibid., p. 400.

viction to the friends of progress in France. They thought that the ministry had betrayed Poland, and that, in betraying Poland, it had betrayed France. Their views were shared by some men of advanced opinions in this country. Years before the poet of Hope had declared the partition of Poland the "bloodiest picture in the book of time:" his fading genius was roused into fresh vigour by French apathy in 1831:—

> "See, whilst the Pole, the vanguard aid of France,
> Has vaulted on his barb, and couch'd the lance,
> France turns from her abandon'd friends afresh,
> And soothes the Bear that prowls for patriot flesh."

Casimir Périer refuses to move.

Casimir Périer was not moved from his purpose either by the friends of progress in Paris or by the taunts of a British poet. He steadily refused to enter upon the difficult enterprise of assisting Poland. The news of the next few months, however, naturally threw much doubt on the justice of this decision. Every fresh victory which the Poles gained in the field raised their importance as allies. In common charity it seemed necessary to make some effort for the generous people engaged in a bitter struggle for their freedom, and Talleyrand was accordingly instructed to talk the matter over with Palmerston, and to propose the joint mediation of France and England. The British Government had no love for Russia; it sympathised warmly with the Poles; but it had no ships to spare for an expedition to the Baltic;[1] it had no means, therefore, of following up its remonstrances. In these circumstances it declined to join in the mediation which was proposed by France; and Poland was consequently left to fight her battle to the end alone.[2]

Palmerston refuses to intervene.

[1] Grey, writing to Brougham on Jan. 1, 1832, calls the Russians "those d——d Russians." "It is to be regretted," he says on the same occasion, "that we had no power of sending a fleet into the Baltic last summer to settle the matter in Poland." *Brougham*, vol. iii. p. 165.

[2] The despatches relating to Poland which passed between Talleyrand and Palmerston were not published till 1861. See Parliamentary Papers, 1861, vol. lxv. p. 349. Cf. Louis Blanc, *L'Histoire de dix Ans*, vol. ii. p. 24; and Guizot's *Mémoires*, vol. ii. p. 282.

That end was coming rapidly. Diebitsch was at once succeeded in the command by Paskievitsch, an officer who had gained distinction in Asia Minor. Paskievitsch saw that Diebitsch had been incessantly hampered by the nature of the country over which he had been advancing. His columns, separated from each other by broad rivers, had been attacked and beaten in detail by the Poles. Paskievitsch decided on removing this risk by crossing the Vistula and advancing from the west on Warsaw. The movement would not have been possible if Prussia had been either hostile or indifferent to the Russian cause. The Russian general could only obtain the supplies which he required through Prussian territory. But the autocrat of Berlin readily assisted the autocrat of St. Petersburg. On the 7th of July, Paskievitsch crossed the Vistula at Plock, and threatened Warsaw from the rear. The army, said Nicholas, in announcing the movement to the Poles, "a franchi la Vistule que vous regardiez comme un obstacle insurmontable. Elle marche sur Varsovie."[1] The same great authority, who had denounced Diebitsch's overconfidence in March, saw plainly enough the beginning of the end, and told his friends that the contest would very soon be over.[2]

Paskievitsch succeeds Diebitsch,

and changes the plan of the campaign.

The end was nearer than even Wellington anticipated. The sole hope for Poland lay in the concentration of every available man at Warsaw; and the Poles made the mistake of marching up the Narew, and flinging themselves on the communications of the Russian army. A similar movement in 1814 had brought Napoleon to his ruin; and the Poles had not even the excuse which Napoleon could urge for abandoning their capital. The allies in 1814 were compelled to draw their supplies from the Rhine; and Napoleon might fairly imagine that the presence of an unbeaten army on the line of their retreat would paralyse their advance. Paskievitsch, on the contrary, had voluntarily abandoned his communications with Russia, and the presence of the Polish

[1] *State Papers*, vol. xviii. p. 1333. [2] *Greville*, vol. ii. p. 157.

army on the Narew caused him no embarrassment. Slowly and steadily he advanced against the capital. On the 6th of September he attacked the devoted city. Inch by inch the Russians made their way over the earthworks which had been constructed in its defence. On the evening of the 7th the town was at their mercy; on the 8th it capitulated, and Nicholas was able to address his thanks to the Deity, in whose hands are the destinies of empires and nations, and who had so plainly blessed the good cause of the Czar of Russia.[1] He omitted to add that Providence had only followed its usual rule of siding with the larger battalions.

Warsaw capitulates.

The news of the fall of Warsaw reached Paris on the 15th of September. The news of Waterloo had not created so much consternation in the French capital. Business was suspended; the theatres were closed. The cause of Poland was in every mind, the name of Poland on every tongue. Sebastiani, the Foreign Minister of France, increased the anger of the people by the terms in which he announced the catastrophe: "L'ordre règne à Varsovie."[2] The Parisians had experienced the order which results from the occupation of a foreign army. They realised the cup of suffering which was in store for the Poles, and they were angry at the part which they themselves had been forced to play in the matter. Poland had learned the bitter truth of the saying, "Dieu est trop haut et la France trop loin," and had been abandoned to her miserable destiny.

The news of its fall in France.

England felt less keenly than France. Yet, even in England, the best men were a little ashamed of the cruel indifference with which the struggle had been regarded. Palmerston, busily occupied with the Belgian question, had steadily refused to help the Poles. Early in 1831, indeed, he had told Russia that rebellion should not alter the privileges which had been secured for the Poles

Palmerston intercedes for Poland.

[1] See the Emperor's manifesto, *State Papers*, vol. xviii. p. 1334.

[2] *L'Histoire de dix Ans*, vol. ii. p. 453.

by Europe. The remonstrances of an unarmed man are of little avail. Nesselrode briefly replied that the Poles and not the Russians had broken the treaty; and that England and France could not object to the Russians taking military measures to which Austria and Prussia were assenting parties. With this answer Palmerston was forced to content himself; but he made one more effort, after Warsaw had fallen, to obtain terms for the Poles. He again received an almost contemptuous rebuff from Nesselrode. The treaty of Vienna, "n'impose à la Russie d'autre obligation que celle de maintenir l'union que le traité avait formée." "La Constitution ne fut point une conséquence du traité, mais un acte spontané de son (d'Alexandre) pouvoir souverain. Elle a été annulée par le fait de la rébellion."[1]

The treatment of Poland by Russia.

Compunction had no place in the breast of a Russian minister. On the 26th of February 1832, Nicholas promulgated a new organic statute for the government of Poland, which he had the insolence to claim for Russia by the right of conquest in 1815. A draft of the statute reached Western Europe in the spring of 1832. About the same time stories were received of the treatment which the Russians were systematically applying to the ill-fated country. Her schools were closed; her national libraries and public collections removed; the children of the Poles were carried into Russia; their fathers were swept into the Russian army; whole families accused of participation in the rebellion were marched into the interior of the empire; columns of Poles, it was stated, could be seen on the Russian roads linked man to man by bars of iron;[2] and little children, unable to bear the fatigues of a long journey, were included among them; the dead bodies of those who had perished on the way could be seen on the sides of the Russian roads; the wail of their wretched mothers—"Oh, that the Czar could be drowned in our tears!"—resounded throughout

[1] For this correspondence see Parliamentary Papers, 1861, vol. lxv. p. 357; see especially pp. 10, 11, 12 of those Papers.

[2] *Hansard*, vol. xiii. p. 1126. Cf. Palmerston's instructions to Lord Durham, Parliamentary Papers, 1861, vol. lxv. p. 377.

Europe;[1] and Western Europe learned what autocracy could do in pursuit of a "paternal solicitude for its faithful subjects!"[2]

The woes of Poland necessarily attracted attention in the House of Commons. In August 1831, Evans, the member for Rye, attacked the conduct of Prussia in rendering effectual assistance to the Russian armies.[3] In April 1832, Cutlar Fergusson, the member for Kirkcudbright, moved for a copy of the manifesto in which Nicholas had announced his new organic statute for the Poles. Important business kept Palmerston from the debate; and a sense of duty compelled Althorp to be silent.[4] Fergusson had to wait for another two months before he was even able to obtain the papers which he required.[5] The sympathetic language, however, used on every side of the House induced the ministry to make one more effort for the unfortunate country which was lying under the merciless heel of Nicholas. Durham was instructed, during his special embassy to St. Petersburg, to intercede for the Poles. But Durham gained nothing by his attempted mediation. He had been too late; Palmerston had been too late; Cutlar Fergusson had been too late. Vigorous remonstrances, in the spring of 1831, might, possibly, have been successful; they fell idly on the ear of Nicholas in the summer of 1832. In 1831 the revolt of the Poles threatened ruin to autocracy in Russia; in 1832 the prostration of Poland removed every cause of anxiety from the heart of the Emperor. Nicholas was free to attend to other matters; and an unexpected series of events in the Ottoman Empire was absorbing his attention.

Debates in Parliament on Poland.

Sultan Mahmoud had not been successful in infusing fresh life into his decaying empire. But a capable Pacha had made one of its provinces a formidable power. Mehemet Ali had once sold tobacco in a little seaport town in Albania. Ambition and ability had made him the most

Mehemet Ali.

[1] *Hansard*, vol. xix. p. 406.

[2] "Notre sollicitude paternelle pour nos fidèles sujets." *State Papers*, vol. xix. p. 962.

[3] *Hansard*, vol. vi. p. 101.

[4] Ibid., vol. xii. pp. 636, 653.

[5] Ibid., vol. xiii. p. 1115.

powerful man in the Mohammedan empire. At Navarino his fleet had contended with the combined squadrons of Britain, Russia, and France. Its destruction had not arrested the designs of the ambitious Pacha. He repaired his losses, and in a few months found himself again in possession of a considerable armament. In 1831 Abd-Allah Bey, Pacha of Acre, incurred his displeasure. Technically Abd-Allah and Mehemet were both the viceroys[1] of the Porte, and one of them had no more right to call the other to account than the governor of one British colony to declare war upon another British colony. Technical considerations, however, have little weight with the masters of trained battalions. Abd-Allah Bey incurred the displeasure of Mehemet Ali; and Mehemet decided on marching upon Acre and upon chastising Abd-Allah Bey.

Mehemet's expedition was placed under the command of Ibrahim Pacha; and Acre was attacked in the autumn of 1831.

His expedition against Acre.

At the outset Mahmoud commanded Mehemet to withdraw his forces and to lay his grievances before his Sultan. He might as well have ordered the lion to loose his death-grip on the roe. He endeavoured to enforce the order which his vassal disobeyed, and sent troops to raise the siege which Ibrahim was resolutely pressing. He had no army which dared encounter the Egyptian soldiery. The Turks fled before Ibrahim; and, on the 27th of May 1832, after a five months' siege, Abd-Allah Bey, despairing of relief, surrendered Acre to the Egyptian general.[2]

Acre had for centuries been regarded as the key of Syria. It was the chief prize of the Crusaders in the twelfth century; it was the chief conquest of the Saracens in the thirteenth. Its possession had been an object of ambition to Napoleon. His failure before it had altered the destinies of the world. The fall of Acre seemed to place the empire of the East at

[1] I use this word, and not the word Suzerain, which would more accurately express my meaning, because the latter has been strangely corrupted, and is now usually employed to represent the sovereign authority of the emperor and not the subaltern authority of the vassal.

[2] *Ann. Reg.*, 1832, Hist., p. 400. Cf. Creasy's *Ottoman Turks*, p. 521.

the mercy of the Pacha who had seized the keys of Syria. Ibrahim's conduct justified this fear. Without allowing the grass to grow under his feet he moved from the scene of his triumph and marched upon Damascus. The Turkish army, mustered to defend the town, fled without striking a blow, and Ibrahim entered the city. The valley of the Orontes before him, the slopes of Lebanon on his left, Ibrahim marched down the river upon Antioch. On the 8th of July he defeated a Turkish army at Homs, and found himself undisputed master of Syria. Syria is separated from Asia Minor by the great range of the Taurus. The Turks endeavoured to hold the range against the Egyptians. They posted themselves for the purpose in a strong position at Billau, near Scanderoon. But the strength of their position proved no obstacle to Ibrahim. On the 29th of July he drove the enemy from the defiles which they were guarding, and forced the passage of the Taurus. The passage of the mountains necessarily occupied time, and afforded Mahmoud leisure to collect one more army for the defence of his throne. On the 29th of October this army gave battle to Ibrahim at Konieh. The Turks were again defeated; and Ibrahim, without an army to withstand his progress, without a mountain barrier to arrest his advance, resumed his march on the Bosphorus.

Ibrahim defeats the Turks.

Crosses the Taurus,

and marches on the Bosphorus.

Never in its previous history had the Porte been exposed to so immediate a danger. Ibrahim at Konieh was a more formidable adversary than Diebitsch at Adrianople. It seemed possible that the events of a single week might place the dealer in tobacco on the throne which had been occupied for centuries by the proud House of Othman. Before Mahmoud's last army had been defeated Turkey appealed to England to stop the progress of the Egyptians. The British Ministry was, however, occupied with the affairs of Belgium; its fleet was on the point of being ordered to the Dutch coast; it had no vessels to spare for service in the Mediterranean, and it consequently felt bound to refuse the

Mahmoud appeals to Britain,

Porte's request.[1] Mahmoud, forced to look elsewhere for assistance, turned to France. But France, like Britain, was earnestly intent on settling the Belgian question. Marshal Gérard was attacking Antwerp; the king's sons were serving in Marshal Gérard's army; and France hesitated to commence war in Asia Minor before the war in the Low Countries was terminated. An additional reason discouraged the French from armed interference in the East. As a nation they were inclined to preserve the Ottoman Empire, but a large party in the nation thought that a change from Mahmoud to Mehemet might infuse new life into a rotten system. Mehemet had shown a capacity and vigour which had made him a power in the civilised world. His success in Egypt foreshadowed the possibility of his accomplishing greater successes in Turkey. His reforms, moreover, had been effected with the aid of French machinery; his Administration was based on a French model; his army was officered by Frenchmen. The influence of France asserted itself in every department of his government and affected his policy.[2]

to France,

There was only one other Power to which Mahmoud could turn for help. Russia was within a few days' sail of the Bosphorus; she was ready to avail herself of any excuse for sending troops to Turkey; and the defeat of the Poles a few months before gave her leisure to resume her traditional policy. Nicholas at once agreed to place troops at Mahmoud's disposal; and 6000 Russians were landed at the mouth of the Bosphorus. Their presence stayed the Egyptian advance. Ibrahim, indeed, moved to Kutaya, and assured a Russian officer, who had been sent to stop him, that his movements depended on his father's orders.[3] His father preferred gathering in the harvest which he had secured to venturing on new conquests. He received the pachalics of Jerusalem, Tripoli,

and to Russia.

A Russian army sent to the Bosphorus.

[1] *Hansard*, vol. xix. p. 579; and vol. xx. p. 900.
[2] *L'Histoire de dix Ans*, vol. iv. p. 128.
[3] *State Papers*, vol. xxii. p. 143.

Aleppo, Damascus, and Adana, in addition to Egypt and Crete. The whole of Syria and the northern shores of the Bay of Scanderoon were thus virtually surrendered to him. The eastern coasts of the Mediterranean; the hills and valleys of Palestine; the Holy City itself, became the property of the tobacco-dealer of Albania.

The balance of power in the East had been suddenly changed, and a revolution, whose consequences seemed of almost immeasurable importance, threatened the annihilation of the House of Othman. In Western Europe, however, the advance of Russia to the Bosphorus seemed of even greater moment than the presence of Ibrahim at Kutaya. Russia, at the instance of the Turk, had, at last, succeeded in planting her eagles on the shores of the Bosphorus. She had come; and the Turk found that her advance was more easily effected than her retreat, and that a fresh humiliation was in store for him before he could obtain the withdrawal of his new friends. The price to be paid for their withdrawal took the shape of an offensive and defensive treaty between Russia and Turkey. The treaty, which is known as the treaty of Unkiar Skelessi, was signed on the 8th of July 1833. It merely stipulated that, if one of the two countries was attacked, the other should furnish it by land and by sea with as many troops and forces as the two high contracting Powers should deem necessary. But an additional article was appended to the treaty which declared that, as Russia would not ask for aid from the Sublime Porte, the Porte should confine its action to not allowing any foreign vessel of war to enter the Dardanelles.[1] Nicholas had thus effected by a stroke of the pen what none of his predecessors had been able to accomplish. He had excluded the ships of war of every nation except his own from the shores of the Bosphorus.

The treaty of Unkiar Skelessi.

These events created an extraordinary sensation in England. On the 11th of July 1833, the conduct of Russia was roundly attacked in the House of Commons by Henry Bulwer.

[1] See Parliamentary Papers, 1836, vol. l. p. 635, where the treaty is printed. Cf. Guizot's *Mémoires*, vol. iv. pp. 39–53.

Bulwer moved "for papers respecting the measures pursued by Russia;" his motion was resisted by the Foreign Secretary, who declared that, "at the very time at which they were speaking, the Russian troops had evacuated Turkey."[1] At the time at which they were speaking the ink had hardly dried on the treaty of Unkiar Skelessi. Six weeks afterwards, on the 21st of August, a London newspaper suddenly announced the signature of the treaty.[2] The session was drawing to a close; but Palmerston was at once questioned on the subject. He could only say that he was not in possession of the treaty, and that public journals, "by the activity of their agents, were sometimes beforehand with the Government."[3] The terms of the treaty were, in fact, only communicated to the Foreign Office in the commencement of 1834. But Palmerston still declined to satisfy the curiosity of the public by its official publication. Sheil, on the 17th of March, again urged its production; but the application was again refused.[4]

Debates in Parliament on these events.

Parliament naturally refrained from insisting on the production of documents which a Foreign Minister declared that it was inconsistent with public interests to produce; but it displayed a deep and growing irritation at the part which Britain had played in the affairs of the East. Constantinople had been saved; but Mahmoud owed the remnant of his empire to the sword of his hereditary enemy. The catastrophe which had occurred in Poland a year before seemed doubly fatal when it was read under the light of the history which had succeeded it; and men who had been ready enough in 1831 to stand apart and see Poland crushed doubted in 1833 the wisdom of non-interference. Cutlar Fergusson was encouraged by the marked alteration in the public feeling to bring the woes of the Poles again before the House. In July 1833 he moved an address praying his Majesty not to recognise or in any way give the sanction of his

Further debates on Poland in Parliament.

[1] *Hansard*, vol. xix. p. 578.

[2] The *Morning Herald* of August 21, 1833, in a letter from its Constantinople correspondent.

[3] *Hansard*, vol. xx. p. 875.

[4] Ibid., vol. xxii. p. 307

Government "to the present political state and condition of Poland."[1] Palmerston declared that the British Government had formally expressed its dissent from the arrangements established by Russia, and had denied the right of Russia to make the changes in Poland which she had effected.[2] Was it possible to do more without declaring war, and was it advisable to spend the blood and treasure of the country in a war for Poland?[3] Eight months afterwards, Colonel Evans, the member for Rye, urged that a sum of money should be granted for the relief of the Polish exiles in England, to show "the rest of Europe that we were not under the influence of the Cabinet of St. Petersburg."[4] The "rest of Europe," if it took the trouble to read the debate, could not entertain much doubt on the subject. Perhaps more violent language had never been applied in a representative assembly to the sovereign of a great European country. O'Connell called Nicholas the brutal and sanguinary despot of St. Petersburg. Attwood styled him "the monster Nicholas—for no gentleman could call him by a milder epithet." He complained that Palmerston had "apologised to the brute that kicked his country;" he declared that England "could at one blow crush the bully to dust."[5] The feeling thus aroused was so strong that, later in the session, the ministry was compelled to give way and grant a sum of £10,000 for the relief of the Polish exiles.[6]

In the meanwhile a chain of circumstances was directing the attention of statesmen to another part of Europe. In a diplomatic sense Palmerston resembled Talleyrand. Talleyrand usually confined himself to the practicable; he always endeavoured to concentrate his energies on one thing at a time. In the same way Palmerston endeavoured to confine his interference to those places which it was easy for a British expedition to reach. He shrank from

Portugal.

[1] *Hansard*, vol. xix. p. 395. [2] Ibid., p. 440.
[3] Fergusson divided 95 to 177. Ibid., p. 463.
[4] Ibid., vol. xxii. pp. 651, 653. [5] Ibid., pp. 657–659.
[6] Ibid., vol. xxiv. p. 341. The sum was annually continued, and pressure was used in 1838 to increase the amount. Ibid., vol. xliv. p. 729.

the Quixotic enterprise of a march to Warsaw. He saw nothing either Quixotic or impracticable in sending a fleet to the Tagus or the Scheldt.

Dom Miguel's cruelties.

Dom Miguel still retained the throne which he had seized in Portugal. But the cruelties which he was in the daily habit of perpetrating estranged the affections of his subjects. The prisons of Lisbon were crowded with political offenders; delicate women "were compelled to herd with the meanest malefactors;" and "all the men of rank who were friendly to free government had either died on the scaffold, or had been incarcerated, or had been driven into exile and poverty."[1] The Tory Government of Wellington had every desire to recognise Dom Miguel. He was king; and Wellington was always disposed to acknowledge a *de facto* sovereign. Yet even Wellington and Aberdeen shrank from recognising the atrocious tyrant. An amnesty, they thought, should at any rate precede their recognition of the usurper; and Dom Miguel was accordingly induced to promise an amnesty. Delighted with this promise, the ministry inserted a paragraph in the King's Speech in the autumn of 1830, declaring that "the time may shortly arrive when the interests" of Britain would demand a renewal of diplomatic intercourse with Portugal.[2]

The fair promise was speedily disappointed. The Wellington Ministry fell; and Dom Miguel renewed the cruelties which he had probably never intended to suspend.[3] Grey and Palmerston declined, in the circumstances, to recognise the tyrant; but, as complaints were continually reaching the Foreign Office of injuries to British commerce, and of outrages on British subjects, either sanctioned or tolerated by the Portuguese authorities, they decided on sending a Mr. Hoppner as Consul to Lisbon, for the express purpose of energetically demanding redress.[4] Opportunities for making the demand soon arose. Early in February 1831, a Mr. O'Neill, a British

[1] The words are Lord Grey's. *Hansard*, vol. xv. p. 119.
[2] Ibid., vol. i. p. 9.
[3] Ibid., vol. xv. p. 119.
[4] *State Papers*, vol. xviii. p. 196.

merchant and Danish Consul, was arrested without warrant and detained for some hours in custody. On the following morning a party of police entered a rope factory belonging to Mr. Caffary, a British subject, searched the premises, arrested the foreman, beat him in a cruel manner, and carried him off prisoner.[1] On the 22nd of March the house of Mr. Roberts, another British subject, was forcibly entered and searched by the police.[2] Constant complaints were concurrently made that excessive and illegal duties were charged on coals, yarn, and other commodities imported into Lisbon.[3] Little Donna Maria's authority was still recognised in the Azores. Dom Miguel endeavoured to reduce Terceira to submission. The ships of war which he sent out to the islands preyed on the commerce of other nations; and British vessels were illegally seized by them and sent as prizes to Portugal. The *Ninus*, the *Velocity*, the *Margaret*, the *St. Helena*, were all seized in this way.[4] The *Ninus* was detained long after her case had been adjudicated on. The *St. Helena* was a packet bearing the king's commission.[5] Conduct of this character was obviously insufferable. On the 15th of April 1831, Palmerston forwarded to Hoppner a statement of grievances against Portugal. He demanded the dismissal of the captain of the *Diana*, who had taken the *St. Helena;* the removal of all the authorities who had ordered or executed the outrages on O'Neill, Roberts, and Caffary's foreman; the payment of full compensation to the owners of all vessels illegally captured; and the public notification of the acts of the Portuguese Government. Hoppner was to allow the Portuguese Government ten days in which to answer the claim. If he failed to receive an affirmative reply within the ten days he was to communicate the fact to the officer commanding his Majesty's squadron in the Tagus, in order that he might carry "into execution the instructions with which the Lords of the Admiralty have furnished him."[6]

Outrages upon British subjects and commerce.

Palmerston insists on satisfaction.

[1] For his case see *State Papers*, vol. xviii. p. 207. [2] Ibid., p. 230.
[3] Ibid., pp. 215, 221. [4] Ibid., pp. 201, 203, 225.
[5] Ibid., p. 247. [6] Ibid., p. 248.

Hoppner lost no time in carrying out his orders. The Portuguese Government lost no time in complying with the demands of the British Ministry;[1] and the British residents at Lisbon, impressed with a deep sense of gratitude, asked Hoppner to convey to the foot of the throne the humble expression of their grateful acknowledgments.[2] A little firmness on the part of Palmerston, a little pressure on the part of Hoppner, had done all that was necessary. Don Miguel had received a salutary lesson, and had been compelled, bully as he was, to an ignominious surrender. It would have been fortunate for him if the failure of his policy had taught him prudence in his dealings with other Powers. The French had experienced as much indignity as the British from the hands of the Portuguese. Monsieur Bonhomme, a young student at Coimbra, was charged with indecent conduct in a cathedral church. The charge was not supported by sufficient evidence, but Monsieur Bonhomme was convicted, condemned to be publicly whipped through the streets of Lisbon, and to ten years' banishment to Angola. Monsieur Sauvinet, a French merchant, seventy-six years of age, was sentenced to seven years' banishment to Africa, because his servant had sent up a rocket from his garden as a signal—so it was presumed—to some rioters.[3] The French Government desired their Consul at Lisbon "to demand an immediate and peremptory satisfaction" for these outrages. The demand was refused. The French Consul withdrew from Lisbon; and Dom Miguel's advisers had the incredible folly to order the immediate execution of Monsieur Bonhomme's punishment;[4] and to treat Monsieur Sauvinet with useless and irritating cruelty.[5] Retribution for their intolerable conduct was, however, quickly coming. On the 15th of May a French squadron appeared off the mouth of the Tagus, demanded the immediate liberation of

French complaints against Portugal.

A French squadron in the Tagus.

[1] *State Papers*, vol. xviii. p. 274.
[2] Ibid., p. 282.
[3] Ibid., p. 343.
[4] Ibid., p. 348.
[5] "His food is carried to him in a bowl by a galley-slave, and thrust before him on the ground as if he were a dog; he is allowed neither knife nor fork to eat it." Ibid., p. 356.

Bonhomme and Sauvinet, the dismissal of the judges who had sentenced Bonhomme, and the payment of compensation to these and other Frenchmen who had been injured.[1] The guns of the French cruisers guarded the mouth of the Tagus. Yet Dom Miguel, with the obstinacy of a Pharaoh, refused to give in. He had the presumption to imagine that the British Government would protect him from French vengeance, and to tell the French that he had referred their claim to England. The British Government, instead of attending to his application, advised the Portuguese to satisfy the French without delay.[2]

The French squadron sent out to the Tagus was under the command of Monsieur de Rabaudy. Rabaudy, receiving no satisfactory answer to the demands which he was instructed to make, commenced hostilities by capturing any Portuguese vessels which he found off the Tagus. Eleven captures were made before the end of May; but Dom Miguel hardened his heart; and, ordering his ships of war to be prepared for sea, refused the satisfaction which was claimed from him.[3] Throughout the whole of June the French squadron, gradually reinforced, continued their captures, declaring through the prisoners whom they liberated that they made war against Dom Miguel, and not against the Portuguese nation. But Dom Miguel still hardened his heart, treated Bonhomme and Sauvinet with increased brutality, and refused the satisfaction which was claimed of him.[4] On the 1st of July a Portuguese vessel, chased by the French cruisers, ran under the guns of a Portuguese fort. The fort opened fire on the French ships; the fire was returned; the fort was silenced; and thirty Portuguese soldiers killed and wounded. But Dom Miguel still refused to release his prisoners, or to submit to the French claims. On the 6th of July the French vessels under the command of Admiral Roussin, who had succeeded

[1] *State Papers*, vol. xviii. pp. 357–366.

[2] The application of the Portuguese Government, dated London, June 1, will be found in ibid., p. 363; and Palmerston's reply in ibid., p. 378. Cf. *Palmerston*, vol. ii. p. 87.

[3] *State Papers*, vol. xvii. p. 364.

[4] Ibid., p. 385.

Monsieur de Rabaudy, took up a position in the mouth of the Tagus. On the 9th of July Roussin again repeated the demands of his Government. Dom Miguel, at last aroused to his position, consented to release Sauvinet and Bonhomme. But he still refused compliance with the other demands of France. On the morning of the 11th Roussin ordered his ships to move up the Tagus. The vessels of Dom Miguel surrendered to him without firing a shot; a desultory cannonade from the Portuguese forts inflicted no loss on the French vessels; and Dom Miguel found it necessary to comply with all the French demands.[1]

The Portuguese fleet captured by the French.

Some enthusiasm was excited in France by the news of the French success. But the account of it was received with different feelings in England. The Tories declared that it was the duty of Britain to fly to the defence of her ancient ally; Wellington confessed that he felt his cheeks tinge with shame when he heard that the tricolour flag floated under the walls of Lisbon.[2] "It would have been the height of injustice," replied Palmerston, "if we had turned round on France and said, 'You shall get no reparation for your injured subjects; we are lords paramount of Europe; we have a peculiar right to compel Portugal to satisfy us, and to prevent her from satisfying any one else; we consider Portugal as part of the dominions of England—we will allow her to insult all the rest of Europe but ourselves; and, if you think of obtaining redress for your wrongs, you must prepare to meet an English fleet upon the ocean, and an English army in the field.'"[3] "As respected the treaties which existed between this country and Portugal," said Mackintosh, in words which are applicable to every guarantee, "he was

Opinion in England.

[1] *State Papers*, vol. xviii. pp. 392–395. *L'Histoire de dix Ans*, vol. ii. p. 369.

[2] *Hansard*, vol. v. p. 320.

[3] Ibid., vol. x. p. 158. Alison is so determined to make out a case against the Whig Ministry that he omits to mention that the French claim was made quietly before reparation was demanded, "at the cannon's mouth." He omits also to say that the British Government had enforced a similar demand previously. This omission is almost inevitable, as he has confused the French and English claims and turned the *St. Helena* into a French packet-boat. See *Alison*, vol. iv. p. 577.

willing to admit that this country was bound to observe them. But could any man suppose that we were bound to support Portugal through any unjust war in which she might engage? No; on the contrary, the concurrent testimony of all jurists established the principle that faith and justice were bound indissolubly together. Were it otherwise, it would be a league between robbers, and not a defensive treaty between nations."[1]

Dom Miguel had suffered a severe reverse. His fleet had been captured; his ministry had been discredited; and he had been forced to compensate the foreigners whom he had punished, and to dismiss the officers who had punished them. Unluckily for Dom Miguel, moreover, a new danger excited his alarms at this particular conjuncture. His only rival for the throne had hitherto been a little girl. In 1831 the cause of Donna Maria was for the first time sustained by the presence in Europe of her father, Dom Pedro. A revolution, which it is unnecessary to describe in a history of England, had driven Pedro from Brazil, and he had arrived in England at the moment when a French fleet was blockading the mouth of the Tagus. The news of his arrival reached Lisbon in July, and excited the hopes of the Constitutionalists, who were indignant at Dom Miguel's conduct. Lisbon seemed ripe for insurrection, and Dom Miguel's advisers had nothing to propose but further cruelties. Persecution, previously confined to the capital, spread throughout Portugal. There was scarcely a town of any consideration where the inhabitants were not molested. In every parish lists were opened of the real or supposed enemies of the predominating system. Persons who had been previously regarded as staunch Loyalists were arrested on the denunciation of their enemies. In a little more than a fortnight a thousand fresh victims were flung into the overcrowded prisons of Lisbon.[2]

The arrival of Dom Pedro in Europe.

Miguel's fresh cruelties.

Cruelties of this kind of course defeated the objects of

[1] *Hansard*, vol. x. p. 127.

[2] This account is given in almost the exact words of Mr. Hoppner's Report. *State Papers*, vol. xviii. p. 416.

their perpetrators. On the 21st of August a regiment of the line quartered in Lisbon mutinied and declared for Dom Pedro. The mutineers were defeated after a sharp engagement; but the mutiny increased the fears of Dom Miguel's friends, and drove them into further excesses. As the English and French residents in Lisbon were supposed to be opposed to Miguel's rule, Englishmen and Frenchmen became the subjects of atrocious outrages. Even officers of the British ships of war in the Tagus were attacked by the armed volunteers who were enlisted to support Dom Miguel;[1] and the Portuguese authorities were either unwilling or unable to punish the authors of these attacks. The alarm of the British residents became general; and Captain Markland, who commanded a British squadron in the Tagus, took upon himself to station two of his vessels off threatened quarters of the city. The Portuguese authorities remonstrated with Captain Markland; and Captain Markland told them that, as they either could not or would not protect the British, he would do so himself. They appealed from Captain Markland to the British Foreign Office, and were told by Palmerston that the British Ministry approved Captain Markland's conduct, and had sent, in his support, additional ships of war to the Tagus and the Douro.[2]

Anarchy thus prevailed in Portugal; and, in the meanwhile, Dom Pedro was gradually collecting the means for driving his brother from Donna Maria's throne. The French Government permitted him almost openly to organise an expedition on the shores of France. The British Government declined to detain four vessels laden in the Thames with troops and warlike stores for his equipment.[3] Three thousand British subjects enlisted in Dom

Dom Pedro obtains help both from France and Britain.

[1] See, *inter alia*, *State Papers*, vol. xviii. pp. 290, 295, 300, 314, 328.

[2] Ibid., pp. 316, 331.

[3] The ministry said that the vessels were sailing for France, and not for Portugal, and declined to detain them. Denman, speaking as Attorney-General, professed his dislike of the Foreign Enlistment Act, and his doubt as to the propriety of enforcing it. *Hansard*, vol. x. p. 180. Cf. ibid., pp. 168–174. Grey, some months afterwards, declared the Act an impolitic measure. Ibid., vol. xv. p. 120.

Pedro's service. An officer in the Royal Navy, Captain Sartorius, accepted the command of his fleet, and two other naval officers held commands, under feigned names, under Sartorius. Captain Sartorius' name was removed from the Navy List; but the Government professed ignorance of the other British officers who were assisting Dom Pedro.[1]

The expedition which Dom Pedro had thus organised assembled at Belleisle, a little island near the mouth of the Loire, in December 1831. From Belleisle it proceeded to Terceira, the solitary place which still owned the authority of Donna Maria. Before sailing Pedro issued a manifesto announcing his assumption of the authority of Regent of Portugal.[2] Some months elapsed before he was prepared to hazard a descent on the coast of Portugal. At last, on the 8th of July 1832, his fleet appeared off the Douro. The troops disembarked and advanced on Oporto; the small force which Dom Miguel retained in the neighbourhood fell back upon Lisbon. Without loss, without fighting, Dom Pedro obtained possession of the second city in the kingdom.

His descent upon Portugal.

For some months Dom Pedro remained at Oporto. The troops of Dom Miguel failed to drive him from the town; his own troops failed to obtain any decisive advantage. In this country the Tories had always leaned favourably towards the cause of Dom Miguel. His doubtful title and his brutal conduct had not estranged them from it; they blamed the Whig Ministry for permitting British subjects to enlist in Dom Pedro's service, and they urged it to terminate the contest by recognising Dom Miguel.[3] On the 1st of June 1833, Wellington moved an address to the throne pledging the House to a policy of neutrality. He carried his motion by 79 votes to 69.[4] For a few hours the existence of the Grey Administration was imperilled by this division. William IV., however, was induced

The House of Lords carry an address for neutrality in Portugal.

[1] *Hansard*, vol. xi. p. 894.
[2] *State Papers*, vol. xix. p. 1372.
[3] See Peel's speech, February 7, 1833. *Hansard*, vol. xv. pp. 381, 382.
[4] Ibid., vol. xviii. p. 298.

to write a strong letter to the Archbishop of Canterbury remonstrating with the Bishops for the votes which they had given against the ministry.[1] The House of Commons expressed its grateful recognition[2] of the judicious policy of the Cabinet. Nobody out of the House of Lords, as Macaulay laughingly put it, cared "either for Dom Pedro or Dom Miguel."[3] He might have added that nobody in 1833, except a few Tories, cared for the House of Lords.

Wellington's motion proved abortive. At the moment at which it was made events were in progress which made Dom Miguel's cause hopeless. For nearly two years Sartorius had commanded Dom Pedro's fleet. He had effected nothing. Arrears of pay were due to his men; they mutinied; and Sartorius threatened to confiscate the fleet, and thus obtain payment for the crews.[4] Fortunately Dom Pedro was able to collect money enough to satisfy Sartorius. The command of the fleet was given to Charles Napier, a captain in the British navy. A cautious temperament had condemned Sartorius to inaction. Action was Napier's motto. On the 2nd of July he found Miguel's fleet off Cape St. Vincent. Closing at once with it, he succeeded in capturing every vessel of which it was composed. Nelson himself had never won a more complete victory.

Napier takes the whole of Miguel's fleet.

Napier had virtually settled the Portuguese question. Dom Pedro, master of the sea, decided on blockading every port in Portugal. The British Government, notwithstanding the protests of the Tories, recognised the blockade.[5] Lisbon was evacuated. Donna Maria was proclaimed queen; and peace seemed again possible. Unfortunately, in the same year in which Donna Maria regained her crown an event occurred in Spain which let loose once more the dogs of war on the Spanish peninsula. Ferdinand, the Bourbon, died at the end of September. His life had been one continuous evil to his subjects; his death inflicted on them

The death of Ferdinand of Spain.

[1] *Brougham*, vol. iii. p. 275; and cf. *Greville*, vol. ii. p. 376.
[2] By a majority of 366 votes to 98. *Hansard*, vol. xviii. p. 391.
[3] *Macaulay*, vol. i. p. 296.
[4] *Palmerston*, vol. ii. p. 153, note.
[5] *Hansard*, vol. xx. pp. 96–113. *Greville*, vol. iii. p. 9.

the curse of a disputed succession. By the old law of Spain females succeeded to the throne in default of direct male heirs. In 1713 Philip V. issued a Pragmatic Sanction, or ordinance, limiting the succession of females to those cases where there was no direct or collateral male heir. In 1789 Charles IV. repealed the Pragmatic, and restored the old Spanish law, but did not publish the repeal. On the 29th of March 1830, Ferdinand published the repeal. The crown of Spain was thus, like the crown of Britain, to descend to the male heir; and in default of a direct male heir to the female.[1]

In 1830, when Charles IV.'s Pragmatic was made public, Ferdinand had neither son nor daughter; and his brother, Don Carlos, was, therefore, indisputably heir to the throne. The publication of the singular decree[2] by which Charles IV. had reverted to the old Spanish law, seemed of no significance. Its significance, however, soon afterwards became clear enough. Ferdinand had been four times married. His first wife was his cousin, Maria, a daughter of Ferdinand IV. of Naples; Maria died in 1806, and for ten years her husband remained a widower. In 1816 he married his second wife, Isabella, the daughter of John VI. of Portugal. Isabella was his sister's daughter; her sister was

His marriages.

[1] These events are described carefully in *Guizot*, vol. iv. pp. 54-57. Cf. *L'Histoire de dix Ans*, vol. ii. p. 17; and *State Papers*, vol. xviii. p. 1365.

[2] The decree is one of the most singular documents in which autocracy has maintained its divine rights. "Priority of birthright"—so it ran—"is an eminent mark of the love which God shows, in respect to the sons of kings, towards him to whom such priority is granted; for to him, to whom it pleaseth God to do this honour, he gives clearly to know that he placeth him above the others, in order that they should respect him as a father and lord . . . . for, as He said unto Moses, in the Old Testament, 'Every male that openeth the womb shall be called Holy of God.' . . . . Although fathers, having compassion usually on their other children, have never willed that the eldest son should possess all, nevertheless, wise and sagacious men, having an eye to the common good of all, and knowing that this partition could not be made in kingdoms without destruction ensuing, according to what our Lord Jesus Christ said, 'that every kingdom being divided shall be torn to pieces,' have held as a right that the eldest son alone should possess the lordship of the kingdom on the death of his father," &c., &c. It is difficult to believe that blasphemous nonsense of this kind could have had any weight, even in Spain, in the eighteenth century. See *State Papers*, vol. xviii. p. 1365. The proceedings of the Cortes in 1789 will be found in ibid., vol. xxii. p. 1394.

his brother's wife. Poor Isabella, niece and wife, died in childbirth in 1818; and her husband married a third wife, Maria of Saxony. Maria died in 1829; and the disconsolate sovereign consoled himself for her loss by taking a fourth wife. His fourth wife, Maria Christina, was the daughter of Francis, King of the Two Sicilies. Her mother was Ferdinand's sister. The new queen, on her father's side, was niece to Ferdinand's first wife; and on her mother's side she was Ferdinand's own niece. It may be hoped that the sins of autocrats are not visited on the suffering people cursed with their misgovernment. But nothing but evil could be expected from the disgusting marriages of Ferdinand of Spain.

Poor Christina, married to her old uncle, presented her husband with two daughters. Their birth gave importance to the publication of the Pragmatic of 1789. By the Pragmatic of 1713 Don Carlos was heir to the throne; by the Pragmatic of 1789 Isabella, the eldest of Christina's little children, was heir to it. Don Carlos did not, naturally, tolerate with composure the news of his own supercession. The Church party vehemently supported Don Carlos. The importunity of his brother, backed by the influence of the Church, prevailed; and in 1832 Ferdinand, who was supposed to be on the point of death,[1] revoked the Pragmatic of 1789. All the arguments, carefully drawn from the Bible, and published in 1830, in proof that priority of birthright is an eminent mark of the love of God, were forgotten in 1832, and Don Carlos became heir to the throne. If Ferdinand had only died Spain even then might possibly have been spared some of the miseries resulting from a war of succession. But Ferdinand disappointed all the expectations of his friends by getting a little better. Christina recovered her influence with her husband; Don Zea Bermudez, who was opposed to the succession of Don Carlos, became Prime Minister; the Pragmatic of Charles IV. was again restored; and Isabella made once more heir to the throne.

His daughters.

The succession to the throne.

[1] *L'Histoire de dix Ans*, vol. iv. p. 168.

Ferdinand lived for a year after these events. On the 29th of September 1833, the weak, cruel, worthless autocrat died. Christina at once assumed the Government in her daughter's name.[1] Almost immediately afterwards Don Carlos claimed the throne. The moment was critical. Miguel's fleet had been defeated in the previous July. Affairs were going ill with Miguel himself. His troops, forced to abandon Lisbon, were falling back upon Spain. Miguel and Carlos, united by marriage, by circumstances, and by opinions, relied upon each other. All Europe understood that the cause of autocracy depended on their success; all Europe identified the cause of freedom with Maria and Isabella. France at once recognised Isabella;[2] England followed the example of France.[3] Both nations thus pledged themselves to the moral support of the queen whose reign was identified with constitutional government.

Don Carlos and Dom Miguel.

Constitutional government, however, had never yet been fairly tried in the unhappy country over which little Donna Isabella was almost unconsciously reigning; and constitutional government was almost impossible in any country in which Don Zea Bermudez held authority. Bermudez was opposed to Don Carlos; but he had no other connection with the Constitutional party. On the contrary, he sympathised with Miguel, and was anxious to support him against Donna Maria. It was in these circumstances inevitable that he should incur the distrust of all the more prominent politicians in Spain. The Carlists detested him because he supported Isabella; the Constitutionalists disliked his preference for autocratic forms of government.[4] He lost ground, fell, and was succeeded by Don Martinez de la Rosa. This change in the Spanish counsels was productive of very important consequences. Zea had been in favour of Donna Isabella and autocracy. Martinez was in favour of Donna Isabella and a constitution. Zea had hoped

Don Zea Bermudez succeeded by Martinez de la Rosa.

[1] For her manifesto on doing so, see *State Papers*, vol. xx. p. 1296.
[2] *Palmerston*, vol. ii. p. 168. [3] *State Papers*, vol. xxii. p. 2
[4] *Palmerston*, vol. ii. pp. 152, 153.

for the success of Miguel in Portugal. Martinez was disposed to lend an active support to Donna Maria. Zea had desired to conciliate the Northern Courts.[1] Martinez sought aid from the constitutional governments of Western Europe.

Martinez's policy was soon plain. On the 4th of April 1834, a decree was issued for the assembly of the Cortes;[2] ten days afterwards the new minister explained the principles on which his administration was founded in an elaborate despatch to the representatives of Spain in foreign Courts.[3] Before his policy was thus unfolded he applied to Britain for assistance to remove Don Carlos from the Spanish peninsula. Palmerston met Martinez's application with a proposal that Britain, Spain, and Portugal should complete the work which was on the eve of accomplishment, and deliver the Peninsula from the two pretenders. Talleyrand, vexed at his own exclusion from the arrangement, was pacified by France being made a party to the treaty.[4] The British Cabinet, taken by surprise, approved the stipulations to which Palmerston had committed it;[5] and on the 22nd of April 1834, the treaty, which has ever since been known as the Quadruple Alliance, was signed.[6]

The Quadruple Treaty signed in London.

No time was lost in carrying out the provisions of the treaty. Miguel and Carlos were at Evora, on the south-east of Portugal. Miguel had the good sense to see that the conclusion of the alliance made his cause hopeless. He accordingly agreed to leave the country which his presence was distracting with civil war. On the 30th of May he left Evora, embarked at the port of Sines, and sailed for Genoa. Miguel's submission made Carlos's position impossible. He was forced to accept the conditions which were offered to him, to embark on a British man-of-war, and to be taken to Portsmouth.[7] The whole of the Peninsula was thus freed from the horrors of civil war,

Constitutional goverment restored in Spain and Portugal.

1 *Guizot*, vol. iv. p. 66.
2 *State Papers*, vol. xxii. p. 1085.
3 Ibid., p. 1100.
4 *Guizot*, vol. iv. p. 87.
5 *Palmerston*, vol. ii. p. 180.
6 *State Papers*, vol. xxii. p. 124. Cf. *L'Histoire de dix Ans*, vol. iv. p. 297.
7 *State Papers*, vol. xxii. p. 1339. *Ann. Reg.*, 1834, Chron., p. 84.

and the constitutional authority of Maria and Isabella was apparently established.

This result was by no means satisfactory to the autocratic Powers. The Court of Russia especially became gradually estranged from the country which had promoted the separation of Belgium from Holland, which had permitted the French occupation of Ancona, which had protested against the treatment of the Poles, and which had been the means of restoring constitutional government to Lisbon and Madrid. The annoyance which was felt by Russia was shared by the Tories in this country. There was something wearisome—so the Tories thought—in the constant repetition of the statement that France and England were agreed; and that the French alliance compensated the British for the alienation of the Northern Powers. Old-fashioned Tories still regarded the French as their hereditary enemies; they could not understand an alliance which was opposed to centuries of tradition. The king participated in the feelings of the Tories. He hated the French; and, though in public he was usually able to conceal his dislike, he was unable, on less formal occasions, to restrain his opinions. Throughout the whole of his life he was in the habit of making little after-dinner speeches to his immediate friends. These off-hand declarations, made when wine had been freely drunk, revealed the king's true feelings much more accurately than the formal addresses which were penned by his ministers, or the formal letters which were penned by his private secretary. In September 1833 the king made one of these speeches to a regiment quartered at Windsor. He praised them for their prowess in the Peninsula; he praised them for their victories over France; and he expressed a hope that "if ever they had to draw their swords it would be against the French, the natural enemies of England.[1] It would have been difficult for him to have made a more unfortunate speech. At that moment his ministers, in concert with France, were preparing intervention

The annoyance of the Tory party at the French alliance.

The annoyance of the king at the French alliance.

[1] *Brougham*, vol. iii. p. 306. Cf. *Greville*, vol. iii. p. 33.

in Belgium; in concert with France, they were watching, with anxiety, the course of events in the Peninsula. The future, in every part of Europe, depended on French co-operation, when William IV. chose to utter an offensive challenge to France.

Happily, however, the new alliance between France and England did not depend on the opinions of their kings. French and English were approaching one another because they alone among the nations of the Continent sympathised with the feelings of oppressed nationalities, and desired to resist the autocrats of the North. Thus every new step taken by autocracy cemented their alliance; every new victory won by the people gave them a fresh reason for maintaining it. Dynastic considerations, affecting the Houses of Bourbon and Hanover, had plunged France and England into a century of rivalry in war. National interests, affecting whole peoples, had induced them to forget their quarrel and to take up arms in a common cause.

Success had accompanied the new policy; and Palmerston was naturally delighted with his success. "Nothing," so he wrote to his brother, "ever did so well as the Quadruple Treaty: it has ended a war which might otherwise have lasted months. Miguel, when he surrendered, had with him from twelve to sixteen thousand men, with whom he could have marched into Spain, forty-five pieces of artillery, and twelve hundred cavalry. . . . . But the moral effect of the treaty cowed them all—general, officers, and men; and that army succumbed without firing a shot. Carlos is come to London, and will remain here." His "case is now desperate."[1] His case was hardly as desperate as Palmerston thought. Within fifteen days of his disembarkation in England Carlos left London, crossed the Channel, and, passing through Paris, raised his standard in Navarre.[2] The second scene in the new Spanish war began almost before the first scene had been concluded.

Don Carlos returns to Spain.

[1] *Palmerston*, vol. ii. p. 197.

[2] *Guizot*, vol. iv. p. 94. He left England during the interregnum between the resignation of Grey and the formation of the Melbourne Ministry. *Raikes*, vol. i. p. 264.

The signatories to the Quadruple Alliance were naturally annoyed at the unexpected events which had renewed the civil war. They hastily met together and agreed to some additional provisions intended to meet the unexpected circumstances. France, on her part, engaged to take measures to prevent any succours of arms, men, or stores being sent to the insurgents. Britain engaged to furnish Spain with arms, stores, and, if necessary, with ships of war; while Portugal undertook to co-operate with her allies to the best of her ability. It was hoped that these provisions would prove as successful as the treaty of the previous April, and terminate the new insurrection which was already spreading in the North of Spain.[1]

Fresh articles added to the Quadruple Treaty.

These expectations were doomed to disappointment. The success of insurrections frequently depends on the capacity of a single man; and the insurgents found in Zumalacarregui a leader who defied the best efforts of the Constitutional troops. Zumalacarregui held his ground against Rodil, Mina, and Valdez, the successive commanders of the Constitutionalists. The generals on either side, failing to achieve any decisive successes, indulged in savage reprisals. Mina threatened with death any person who was found abroad after nightfall. Zumalacarregui retaliated by ordering all his prisoners to be shot. Civilised nations were shocked at a warfare whose incidents reminded them of ancient history; and good people inquired whether nothing could be done to stop the bloodshedding. During his short tenure of the Foreign Office, Wellington determined to make one effort to stay the spread of ferocity. Two Englishmen—Lord Eliot, the eldest son of Lord St. Germans, and Lieut.-Colonel Gurwood, whose name is chiefly recollected as the editor of the earlier series of the Wellington Despatches—were sent to Spain; and succeeded in effecting an agreement between the commanders of the two armies. The agreement was signed by Valdez, at Logrono, on the 27th of April 1835. It was signed on the

The cruelties of the war.

The Logrono convention.

1 *State Papers*, vol. xxii. p. 134. Cf. *Guizot*, vol. iv. p. 105.

following day by Zumalacarregui at Asarta. It pledged the commanders to preserve the lives of all prisoners taken on either side; to exchange them two or three times in each month; to abstain from sentencing any person to death on political grounds without a previous trial; and to respect the sick and wounded found in hospitals, houses, and villages.[1] The war, it was thus proposed, should be deprived of some of its worst features; and conducted, in future, on the principles in force among civilised communities.

These humane arrangements were not popular. The Radicals in England complained that the mission was calculated to promote the success of Don Carlos's insurrection.[2] The Opposition in Spain objected to any treaty with rebels against their sovereign. Martinez, foiled in his efforts to subdue the Carlists, and quailing before the cries with which he was assailed in the streets, decided on a new line of policy, and on soliciting the aid of foreign Powers.[3] On the 17th of May 1835, he invited the co-operation of France and Britain. The most effectual assistance could be given by France, and the most pressing demand was accordingly addressed to Paris. The French Ministry was not, however, agreed on the policy of intervention. The presence of a French army in Spain would, it was certain, be unpopular in England; and all those, therefore, who desired to remain on good terms with England objected to interfere.[4] Intervention, moreover, it was obvious, had not solely been demanded in consequence of the operations of the Carlists: it had been only required when the opposition to Martinez' Government became formidable. An allied force operating in Biscay might have the effect of terminating a civil war; but it would also have the undoubted effect of keeping Martinez in power.

Intervention refused by France and Britain.

The British Government shared these scruples. Palmerston, however, while refusing direct help, desired to give indirect

[1] *State Papers*, vol. xxiii. p. 912.
[2] *Hansard*, vol. xxvii. p. 837; and vol. xxviii. p. 905.
[3] Guizot's *Mémoires*, vol. iv. p. 108. [4] Ibid., pp. 109, 411.

aid to Isabella. He suggested that a corps of 10,000 British troops might be enlisted in the United Kingdom for service in Spain; that a Special Order in Council might be issued authorising their enrolment; that officers in the British service might be permitted to join the force; and that arms might be issued to it from British arsenals. The Foreign Enlistment Act only applied to those persons who enlisted in a foreign army without the leave or license of the Crown; the Foreign Enlistment Act, therefore, did not apply to a force enlisted with the king's permission. One of the Six Acts, however, had prohibited the training of any new military force; and it was consequently necessary that the men, as fast as they were raised, should be conveyed to Spain. These arrangements were easily concluded. An Order in Council was issued authorising "any persons to engage during the next two years in the military and naval service of Her Majesty Isabella II., Queen of Spain." De Lacy Evans, a colonel in the British army, a politician of extreme Radical views, who had wrested the representation of Westminster from Hobhouse, was selected for the command of the force; and recruits were rapidly enlisted and despatched under his orders to the Peninsula.[1]

The British Legion enlisted for service in Spain.

Opinion, at the time, was almost equally divided on the policy of these measures. The Radicals, on the one side, were enthusiastic in their approval. The raising of the auxiliary force, they argued, was only the logical result of the Quadruple Treaty. That treaty was based on the hypothesis that the pacification of the Peninsula was required for the peace of Europe. The pacification of the Peninsula was threatened by the presence of Carlos and Miguel in Portugal; and the contracting Powers consequently determined on insisting on their departure. The

Opinion in Britain on these proceedings.

[1] For the Order in Council see *State Papers*, vol. xxiii. p. 738. For the correspondence preceding it see ibid., p. 947. Col. Humfrey, one of the officers of the force, said that many of the men went out under the impression that they were actually serving the cause of their own Government. See *Hansard*, vol. xliii. p. 814.

peace of Europe was again threatened by the return of Carlos to Navarre; and the contracting Powers had, in consequence, allowed England to provide Spain with arms and stores for attacking the usurper. Isabella's Government had proved incapable of ejecting Don Carlos; and the peace of Europe consequently required that some further assistance should be given to Spain.[1] The Tories, on the other hand, strongly objected to the whole proceeding. It was necessary to go back to the seventeenth century for a precedent for it. A proceeding which could only be justified by precedents taken from the reigns of arbitrary monarchs stood, it was insisted, self-condemned. If even it were right to interfere, the mode of interference was the worst which could have been adopted. The policy of the British Government was neither peace nor war. It was peace without tranquillity, war without honour.[2] The Government had assumed the responsibility of sanctioning the auxiliary force; yet it had no control over its proceedings. The force itself was large enough to attract notice, and too small to ensure success;[3] a half-pay officer with a seat in Parliament was the last person who should have been selected for the command of it. It was even doubtful whether the treaty which Eliot and Gurwood had concluded would apply to an expeditionary force under the semi-independent command of a British half-pay officer.[4]

While these debates were taking place in Parliament events were succeeding each other with startling rapidity in Spain. Zumalacarregui, wounded in an attack on Bilbao, died on the 25th of June. His death relieved the queen's forces of their most formidable adversary at the moment at which they were strengthened by the arrival of the British auxiliary force. Evans' levies, however, did not prove very efficient auxiliaries; they were imperfectly equipped, they were imperfectly drilled, and they were discouraged by a proclamation, issued by Don

[1] *Hansard*, vol. xxviii. p. 1153. [2] Ibid., vol. xxxvii. p. 223.

[3] Somebody asked Wellington what Sir De Lacy Evans at St. Sebastian would produce. "Probably two volumes octavo," was the Duke's answer. Gleig's *Life of Wellington*, vol. iv. p. 51.

[4] *Hansard*, vol. xxviii. pp. 1133–1180.

Carlos, that he would shoot all foreigners in Isabella's service.[1] Don Carlos' proclamation was so brutal that the British Government affected, in the first instance, to treat it as a forgery.[2] Unfortunately, the document was only too true. Don Carlos himself had the assurance to tell a British officer despatched to him on the subject of it that he considered the foreign troops were "dehors de la convention."[3] A brutal massacre of their prisoners by Carlists led to retaliations on the part of the population of Barcelona. Even women who had the misfortune to be related to the combatants were seized and shot;[4] and civilised Europe shuddered at stories of bloodshedding which would have disgraced the darkest periods of the previous century.

Bloodshed did not advance matters. Don Carlos held his own in the North of Spain; and all the queen's forces were unable to dislodge him. The political state of Spain hampered the efforts of Isabella's troops. No ministry seemed capable of standing. Zea de Bermudez had been succeeded by Martinez de la Rosa. Martinez de la Rosa fell in the spring of 1835, and was succeeded by Torreno; and Torreno, after three months' tenure of office, was replaced by Mendizabal. Torreno, the chief of the short-lived ministry which succeeded Martinez, was the head of the Moderados, the Moderate party. Mendizabal was the hope of the Progressists, or the Democratic party. Torreno, who had resided much in France, favoured French opinions; and Mendizabal, who had made a fortune in London, looked to England for assistance.[5] Torreno, acting on French ideas, was in favour of what the French would have called a Government of Resistance; while Mendizabal, basing his policy on the example of the Whig Ministry in Britain, pursued a policy of conciliation. France and England, which had hitherto pursued the same course, thus

Politics in Spain.

Torreno and Mendizabal.

[1] *Hansard*, vol. xxix. p. 169.

[2] Ibid., pp. 170, 223.

[3] *State Papers*, vol. xxiv. p. 400.

[4] Ibid., pp. 403, 405. Cf. *Hansard*, vol. xxxi. pp. 312, 952; and vol. xxxii p. 387.

[5] Bulwer's *Palmerston*, vol. ii. p. 222–234.

became identified with opposite interests. The Moderados depended on one country, the Progressists on the other.

The divergence between the two countries was, unfortunately, increased by a personal quarrel. Talleyrand, mindful in his old age of the great affairs in which he had played a prominent part, expected to be treated with unusual deference; and Palmerston habitually received him with the easy manners which regulated his intercourse with all the ambassadors. He even kept the veteran diplomatist waiting in his antechamber.[1] Talleyrand would probably have forgiven a more serious insult; he could neither forget nor forgive the neglect of the Foreign Minister. Returning soon afterwards from his mission, he repeated to Louis Philippe all the stories of Palmerston's flippancy which were rankling in his own bosom; and he induced the king to regard the British Foreign Minister with the feelings which he himself entertained. These considerations gradually produced a change in the policy of France; and the French, instead of supporting the principles of the Quadruple Alliance, showed an increasing disposition to sympathise with the Carlists.[2]

Gradual estrangement of France from England.

The policy of France, moreover, was complicated by the embarrassments of its own ministry. The Government of October 1832 had endured for four years. Soult, Gérard, De Broglie, and Mortier had successively occupied the first place in the Cabinet; but Soult, Gérard, De Broglie, and Mortier had merely been the nominal chieftains who had enabled Thiers and Guizot to serve in the same Government. Throughout the whole of the period it was evident that these two statesmen were keen rivals; the Spanish question converted them into keen opponents. Thiers, who sympathised with Mendizabal, was anxious to interfere; Guizot, who preferred the policy of Torreno, refused interference. Louis Philippe's own influence seconded Guizot's advice, and Thiers was compelled to give way. The breach which was thus

[1] *L'Histoire de dix Ans*, vol. v. p. 32.
[2] *Palmerston*, vol. ii. pp. 236–240.

made in the ministry was subsequently widened. In the following January the Cabinet broke up on a financial question of only secondary importance. De Broglie and Guizot retired; and the king entrusted Thiers with the task of forming a Government. The formation of the new ministry again suggested the possibility of intervention. Palmerston formally proposed that the French should march a *corps d'armée* into the Basque Provinces, and that the British should take possession of St. Sebastian and the neighbouring harbour of Passages.[1] Thiers, however, did not venture, as Prime Minister, on carrying out the policy which he had advocated in the previous summer. Louis Philippe was strenuously opposed to it; Metternich was using smooth phrases to detach the new minister from the English alliance; and Thiers, hesitating to offend his king and to reject the advances of the Austrian Government, decided on refusing the proffered intervention. His decision increased the breach which had already arisen between France and England, and destroyed the fairest opportunity which had yet occurred of terminating civil war in Spain.

Crisis in the French Ministry.

Thiers becomes Prime Minister.

He refuses to intervene.

Palmerston had failed to obtain the co-operation of France; but he did not abandon his own intention of lending aid to the Spanish Constitutionalists. A British squadron was stationed on the Spanish coasts; and its commander, Lord John Hay, was instructed to afford the most active and effective co-operation to the queen's troops. He was to assist in defending places against the Carlists; in taking places from them; he was to aid and protect the operations of the Spanish general, and to convey his troops from place to place.[2] These instructions did not immediately affect the operations of the war. The continued ill success of Isabella's arms produced discontent; and discontent, culminating in fresh disorders, led to the fall of Mendizabal, and the rise of Isturitz, a Moderado. His

Palmerston sends a force to Spain.

[1] Guizot's *Mémoires*, vol. iv. p. 149. *L'Histoire de dix Ans*, vol. v. p. 34.
[2] *Hansard*, vol. xxxii. p. 1059; and cf. vol. xxxiii. p. 4.

accession to power produced fresh disorders. The Republicans proclaimed the Constitution of 1812; murdered Quesada, the Captain-General of Seville, who had succeeded in preserving order in Madrid; and, driving Isturitz from power, replaced him with a Progressist—Calatrava. In the meanwhile the accession of Isturitz to office strengthened the hands of Thiers; and he persuaded Louis Philippe to allow a French contingent on the Spanish frontier to be strengthened and placed under the command of Bugeaud, a general of repute. Louis Philippe, however, alarmed at the murder of Quesada, and the proclamation of the Constitution of 1812, almost immediately reverted to his old policy. The auxiliary troops under Bugeaud were withdrawn from the frontier; and Thiers, convinced (in his own language) that "rien ne peut amener le Roi à l'intervention, et rien ne peut m'y faire renoncer,"[1] retired from office. He was succeeded by a ministry under the nominal guidance of Count Molé, but under the virtual influence of Guizot. All ideas of French intervention in Spain were abandoned; and Louis Philippe had the satisfaction of congratulating the Chambers "d'avoir préservé la France des sacrifices dont on ne saurait mesurer l'étendue, et des conséquences incalculables de toute intervention armée dans les affaires intérieures de la Péninsule." He had the satisfaction of reminding the Chambers that France "garde le sang de ses enfans pour sa propre cause."[2]

The murder of Quesada and proclamation of the Constitution of 1812.

Fall of Thiers on the Spanish question.

France, under the direction of Louis Philippe and Molé, had thus definitely decided to abstain from intervention in Spain. Her interference, however, was gradually becoming less necessary. After the close of 1836 the Carlists displayed symptoms of exhaustion, and the success of the Constitutional cause was assured. This result, indeed, was not due to the British Legion. Its members on most occasions behaved with

[1] *Guizot*, vol. iv. pp. 154, 161. *L'Histoire de dix Ans*, vol. v. pp. 88–104.
[2] *State Papers*, vol. xxiv. p. 394. *Guizot*, vol. iv. p. 166. *L'Histoire de dix Ans*, vol. v. p. 105.

the valour of Englishmen; they suffered severely in action; they suffered still more severely from disease; they incurred the cold neglect of the Spanish Government, but they effected nothing of importance. In 1837 Evans returned to England; and in 1838 the British Ministry withdrew the Order in Council which had sanctioned the formation of the Legion; and the force was accordingly dissolved.[1]

The dissolution of the British Legion.

The dissolution of the British Legion did not arrest the successes which Isabella's troops were gaining. The brutal warfare[2] gradually ceased from the exhaustion of the Carlists. In one sense, this result constituted a fresh triumph for the British ministers. They had again allied themselves with a popular cause; they had encountered in consequence the fierce opposition of their political opponents;[3] and they had succeeded in securing the success of their allies. But the triumph, which they had achieved in Spain, was very different from the success which they had won in Belgium and Portugal. In Belgium they had succeeded in establishing the rule of

[1] For the conduct of the British Legion see *Hansard*, vol. xxxvii. pp. 1329–1388, 1394–1460; and vol. xxxviii. p. 1; but cf. Evans' defence of it in ibid., vol. xli. p. 823. Out of a force of 9600 men 2078 perished in Spain (ibid., p. 830); and it is stated on Colonel Humfrey's authority that 80 officers and 800 men were killed and wounded in one action. (Ibid., vol. xliii. p. 827, note.) The members of it were grossly treated by the Spanish Government. (Ibid., p. 81.) They were only paid by a promise to pay. (Ibid., vol. xlviii. p. 36; and Lord Londonderry's motion on the subject, ibid., vol. xliii. p. 806; and cf. vol. lii. p. 511.) The ill success of the Legion made it unpopular in England; and, in April 1837, Hardinge endeavoured to induce the House of Commons to advise the Crown not to renew the Order in Council sanctioning its enrolment. He was beaten by 278 votes to 242. (Ibid., vol. xxxvii. p. 1329; and vol. xxxviii. p. 120.) But there can be little doubt that this debate prepared the road for the withdrawal of the Order in 1838. The ministry endeavoured to cover its ill success by making Evans a K.C.B.—a proceeding which was loudly questioned. (Ibid., vol. xli. p. 56.) It may be added that Palmerston's intervention cost this country £616,000 in stores, &c. (Ibid., vol. lii. p. 553.)

[2] The war continued to be conducted with the utmost brutality; and Palmerston, stimulated probably by parliamentary criticism, in November 1838 appealed to Austria, Prussia, and Russia to use their influence with the Carlists to stop the massacres. *State Papers*, vol. xxvii. pp. 1095, 1117. Metternich seems to have done his best to stop them. Ibid., p. 1136.

[3] *Hansard*, vol. xxxv. p. 946; and vol. xxxvii. p. 223, where all the arguments of the Conservatives will be found carefully stated by Lord Mahon.

Leopold without separating themselves irremediably from any of the great Continental Powers; in Portugal they had succeeded in establishing the rule of Donna Maria in opposition to the views of the autocrats of Northern Europe. But, in Spain, years of warfare, years of bloodshed, years of disorder, had resulted from their policy; and the cordial understanding with France, which had been the chief feature of Palmerston's foreign policy, had been replaced by cold distrust and divided action. From 1830 to 1835 Britain and France had acted on every great European question together. From 1835 each country often acted independently of the other.

Growing coldness between Britain and France.

The defection of France was the more serious because Britain was in need of a powerful ally. During the whole period of Palmerston's tenure of office Russia had either directly or indirectly opposed his policy. Nicholas had sided with Holland; he had sided with Dom Miguel. It was no secret that he sympathised with the cause of Don Carlos. Wherever a crushed and subject population was resisting the autocracy to which brute force had subjected it, there Russia was busily counselling or employing repression. Every rebel against autocracy found in Russia her chief foe; every rebel against freedom looked to Russia for support. There had, indeed, been one conspicuous instance in which Russia had sided with revolt, and had been instrumental in securing the independence of a free people. But even her warmest admirers admitted that, in that instance, she had not interfered to win freedom for the Greeks, but to effect the humiliation of the Turk. Her hereditary hatred of the Turk had proved a stronger force than her detestation of freedom.

The attitude of Russia.

The course which Russia had pursued in the East in 1827 won for her the temporary friendship of the Liberal party in England, and the temporary admiration of Palmerston. But Palmerston's opinions soon underwent a remarkable change. He could not help perceiving that Russia repaid his confidence by throwing every

The alteration in Palmerston's views towards Russia.

obstacle in the way of his policy. In common with the entire Liberal party he was shocked at the horrrible cruelties with which the revolt of the Poles was stamped out; in common with all his countrymen he was annoyed at the signature of the treaty of Unkiar Skelessi. He prevailed upon France to join him in protesting against the treaty, and to declare that, if its "stipulations should hereafter lead to the armed interference of Russia in the internal affairs of Turkey," she would hold herself "at liberty to act upon such an occasion in any manner which the circumstances of the moment may appear to require, equally as if the treaty above-mentioned was not in existence."[1] He prevailed upon the Government to strengthen the Mediterranean fleet, and to station it off the Dardanelles; and he told his intimate friends that he was anxious to reorganise the Ottoman Empire, and thus enable it to remain in occupation of the road to India.[2]

Fear, distrust, dislike of Russia had impelled Palmerston to adopt the impracticable policy of supporting the Turk. The policy which was thus adopted was opposed to all the traditions of the Whig party, and to the opinions which Palmerston himself had originally formed, and which he was successfully applying to other questions. But the policy, when it was once adopted, was irrevocable. Palmerston was forced forward by a monarch who was inspired with a genuine alarm of Russia,[3] and by a public opinion prepared to quarrel with Nicholas at every pretext. Every day that passed added fuel to the flame which was fiercely burning in Britain. In 1833 the British nation learned the stipulations to which the Turk had agreed in the treaty of Unkiar Skelessi. In 1834 the British people were shocked

The feeling of the public against Russia.

[1] The French protest is published in *State Papers*, vol. xxviii. p. 1290; the English protest in ibid., p. 1292. Nesselrode declared in reply that the treaty was purely defensive; and that the Emperor was resolved to carry it out faithfully, "comme si la déclaration contenue dans la note n'existait pas." Ibid., pp. 1292, 1293. William IV., in his memoir, says that France and England declared that they should consider the treaty "non avenu," and that Russia replied that she should consider the protest "non avenu." *Stockmar*, vol. i. p. 347.

[2] *Palmerston*, vol. ii. pp. 145, 170.

[3] *Melbourne*, vol. ii. p. 144.

to find that, by a new treaty concluded at St. Petersburg on the 29th of January, Russia had advanced her frontier towards Kars, and had gained a further strip of territory in Asia.[1] In 1835 they were alarmed at discovering that the formidable Emperor, whose advance they were dreading, was publicly displaying his intimate agreement with his brother autocrats of Prussia and Austria. In September of that year Nicholas and Frederick William, attended by large divisions of their troops, met at Kalisch, on the Polish frontier; from Kalisch they proceeded to Toplitz, in Bohemia, where they were joined by Ferdinand of Austria. All Europe understood that it was the object of these meetings to publicly demonstrate the cordial understanding which was established among the autocrats of the North.[2]

Cracow.

An opportunity was soon found which enabled the Northern Powers to avail themselves of their agreement. The little republic of Cracow bordered on all three of the great military autocracies. It marched upon Russian Poland on the north, upon Prussian Silesia on the west, upon Austrian Galicia on the south. It owed its independence to the singularity of its position. Russia, Prussia, and Austria all coveted the "little vineyard;" but, as each of them objected to its absorption by the others, they all agreed that it should be constituted an independent republic. The republic throve in happy independence from 1815 to 1831. In 1831 the progress of the rebellion in Poland affected its security. Its inhabitants naturally sympathised with the brave nation which was struggling against its oppressors, and, after the suppression of the revolt, afforded an asylum to many of the Polish exiles. The great autocracies of Europe saw with suspicion and dislike a little republic sheltering rebels against their own authority; and, on the 9th of February 1836, addressed a joint demand to the President of the republic for the removal of all the refugees within eight days. The demand

[1] For the treaty see *State Papers*, vol. xxvi. p. 1245. For the opinion of Lord D. Stuart on it see *Hansard*, vol. xxxi. p. 617.

[2] *Stockmar*, vol. i. p. 351.

was imperfectly complied with; and the three Courts ordered the troops of Austria to occupy Cracow. The decision which was thus taken was opposed to the stipulations of the Treaty of Vienna, which had declared that the city of Cracow, and its territory, should be free, independent, and strictly neutral; and had forbidden the introduction of an armed force into it under any pretence whatever. The only excuse for intervention lay in a portion of the treaty which bound the republic to refuse asylum or protection to deserters from other countries. This stipulation, however, did not justify the high-handed proceedings which had been taken by the autocrats of the North. Palmerston admitted in Parliament that there was no sufficient justification for them.[1] Other persons, free from the responsibility attaching to Palmerston's office, used language distinctly tending to war. Verney, the member for Buckingham, called on the ministry to obtain permission to send a fleet into the Black Sea; O'Connell declared that "the three plundering Powers had been guilty of the grossest, most undisguised, and unmitigated violations of treaty." Inglis offered to assent to a vote of £10,000,000 or £20,000,000 in support of the Poles;[2] and Palmerston, amidst the strong display of feeling which was thus manifested, undertook, a few weeks afterwards, to send a diplomatic agent to the republic of Cracow.[3]

Its occupation by Austria.

Indignation in Britain.

This concession partly conciliated the numerous opponents of Russia in the House. The Inglises and O'Connells, indeed, would have been glad enough to force the country into hostilities with Russia; but even they could not suggest any practicable method of warfare. France was the only powerful ally which Britain retained; and France was displaying an increasing disposition to withdraw from the Quadruple Treaty, and to connect herself with the despotic Powers of the Con-

[1] *Hansard*, vol. xxxii. p. 418.

[2] Ibid., pp. 420, 421, 423. For the official correspondence respecting Cracow see *State Papers*, vol. xxiv. p. 1352.

[3] *Hansard*, vol. xxxii. p. 1284. The agent was not, however, sent. Ibid., vol. xxxvii. p. 702.

tinent. It has been already stated that the modified policy which France was thus pursuing was warmly promoted by Louis Philippe. His desire to recede from the support of revolutionary principles was probably increased by some brutal attacks on his own life. In the previous July a man named Fieschi fired an infernal machine at the king, his sons, and his suite. More than forty persons were killed and injured by the terrible explosion. In the following year another fanatic, named Alibaud, deliberately fired at the king in the streets of Paris. The friends of repressive government found their hands strengthened by these brutal outrages. Instead of protesting against the conduct of the three autocrats towards Cracow, France herself demanded the expulsion of political refugees from Switzerland.[1]

The attitude of France.

France under Louis Philippe was thus leaning towards autocracy and gradually withdrawing herself from the principles and from the objects of the Quadruple Treaty. The British Ministry saw that it could no longer rely on French assistance, and that any action which it was necessary for it to take it must take alone.[2] In 1835, indeed, it so little expected the

[1] The correspondence respecting this demand will be found in *State Papers*, vol. xxiv. p. 1049. In February 1834 certain Polish and Italian refugees, resorting to Switzerland from France, crossed into Savoy, and created considerable disturbances. The neighbouring Governments of Austria, Baden, Wirtemberg, and Bavaria, as well as Sardinia, Sicily, and the Germanic Confederation, protested against the conduct of the Swiss, and insisted on the removal of the Poles who had caused the disturbance. These demands led to a very angry correspondence, which was finally terminated by the considerate friendship of Louis Philippe's Government. The French permitted all the exiles to pass through France to the countries which they chose as their destination, and protected and even supported them in their journey. (*State Papers*, vol. xxiv. pp. 929–1048.) In 1836 the same difficulty occurred again. Polish and Italian exiles again repaired to Switzerland; the members of a club known as "Young Germany" congregated in different parts of the country. The German States again appealed to the Federal Directory to remove these persons; and Switzerland again appealed to France to help her in the matter. (Ibid., pp. 1050, 1051.) The French Government, under Thiers renewed the offer which it had made in 1834; but it took occasion to repeat the complaints which had already been made by the German Government, and to address a severe lecture to the Federal Directory (p. 1052). These complaints elicited a noble reply from the Federal Directory (ibid., p. 1055); and were the subject of a warm remonstrance in the House of Commons. *Hansard*, vol. xxx, p. 1032.

[2] *Palmerston*, vol. ii, pp. 243–245.

possibility of hostilities, that it reduced the permanent staff of the militia.[1] In 1836 it proposed an addition of 5000 men to the navy, on the express ground that Russia had fleets at sea which were numerically superior to our own.[2] In 1837 the Radicals were demanding war to avenge the seizure of a British merchant vessel by Russian authorities on the coast of Circassia.[3] Everything was thus pointing to the possibility of a collision between Russia and England. It was obvious that the critical condition of the Ottoman Empire might afford occasion for hostilities at almost any moment. The rule of the Turk was exposed to two dangers. Turkey was slowly dying of its own corruption. It was exposed to the attacks of a vigilant and ambitious vassal. Mehemet Ali had been forced to withdraw his victorious troops from the neighbourhood of Constantinople in 1833; but he had not abandoned his project for asserting his own independence. The Egyptian army had been trained by French officers; the Pacha of Egypt was under French influence; and it was to say the least doubtful whether, in any contest which might arise between the Sultan and his vassal, France would range herself on the side of the Turk against the Egyptian.

Turkey.

A contest was, unfortunately, only too certain. Mahmoud, on the one side, notoriously brooked with ill concealed impatience the position which Mehemet had acquired in the Levant. Mehemet, on the other hand, openly aspired to convert his pachalic into an independent

Mahmoud and Mehemet.

[1] *Hansard*, vol. xxx. p. 176; but cf. *Greville*, vol. iii. p. 311, where William IV. is alleged to have objected to the reduction, on the express ground that hostilities might arise with Russia.

[2] *Hansard*, vol. xxxi. p. 1231. For a later debate on the Cronstadt fleet see ibid., vol. xxxix. pp. 1093-1111.

[3] The long correspondence on the seizure of the *Vixen* will be found in *State Papers*, vol. xxvi. p. 2. For the debates on it see, *inter alia*, *Hansard*, vol. xliii. p. 903, where Sir S. Canning moved for a select committee on the case, and was only beaten by 200 votes to 184. (Ibid., p. 959.) It may be added that Mr. Bell, the British merchant who ventured on infringing the Russian blockade, did so on the advice and at the instigation of Mr. Urquhart, the British Secretary at Constantinople; and that Urquhart declared that the steps which he had taken in the matter had been adopted with Palmerston's cognisance. Ibid., p. 937.

and hereditary kingdom. Both of them organised their armies, strengthened their forces in Syria, and prepared for the conflict which all Europe saw was inevitable. All Europe, however, was interested in postponing the collision. Russia, relying on the treaty of 1833, had little to gain and much to lose from the possibilities of war. Austria and England, intent on maintaining the Ottoman Empire in its integrity, were anxious for peace. Prussia, only indirectly interested in the matter, was disposed to follow languidly the lead of Austria; and France, aware that her sympathies with Egypt were shared by no other Power, naturally desired to postpone a conflict which might reveal her isolation. Postponement, however, was not easy. In the last days of 1837, Colonel Campbell, the British Consul at Alexandria, formally reported to Palmerston the exertions which the Pacha was making to increase his army in Syria. In May 1838 he was able to supplement the report by the announcement, which Mehemet had made to him, that he was resolved to declare himself independent. Palmerston, warmly remonstrating against Mehemet's intention, desired Campbell to tell the Pacha that, in the war which would result from his attempt, the Sultan would probably be joined by all the Powers of Europe, and would, at any rate, receive the active support of Great Britain. Such a war would involve the Pacha and his family in inevitable ruin.[1]

Palmerston's threat stopped Mehemet's action. The Pacha did not, indeed, abandon his idea of independence, but he postponed the execution of it. Instead of ordering the advance of his army Mehemet decided on visiting some new gold mines which he had opened in the Senaar.[2] Gold, he thought, with the reasoning of an Oriental, might help him to settle the dispute; and gold, therefore, was a commodity which it was Mehemet's object to secure. Senaar, however, did not prove the rich mine which the Pacha had expected, and he returned to Alexandria

Palmerston stops Mehemet's preparations.

[1] *State Papers*, vol. xxvi. pp. 694–704. *Palmerston*, vol. ii. pp. 267, 419. Cf. *Guizot*, vol. iv. pp. 331–339. *L'Histoire de dix Ans*, vol. v. p. 403.

[2] *State Papers*, vol. xxvi. p. 703.

without gold. On his return he heard from every source that Mahmoud was reinforcing his army on the Syrian frontier, and with natural prudence he at once sent reinforcements to Ibrahim. Turk and Egyptian were thus marshalling their forces on either bank of the Euphrates, and visibly preparing for the contest which, for the time at any rate, was to settle the future of the East.

The Turkish and Egyptian armies.

In the meanwhile the Western Powers of Europe were busily urging Sultan and Pacha to stay their hands. Palmerston was sending instructions to the Consul-General at Egypt, and to the British Ambassador at Constantinople. Campbell, in Alexandria, was faithfully and successfully executing his orders. At Constantinople, however, this country had the misfortune to be represented by a nobleman who was incapable of subordinating his own views to those of his chief. Lord Ponsonby had been recalled from Brussels in 1831, in consequence of his having exceeded the instructions of the London Conference. The brother-in-law of Grey, he was sent first to Naples and afterwards to Constantinople, where he arrived shortly after the conclusion of the Treaty of Konieh. He chose to form a strong opinion on the terms of that treaty; and he took no pains to conceal his dislike of the stipulations to which the Porte had been forced to submit. The British minister at Constantinople was thus constantly officially impressing on the Turk the necessity of peace, while using language which showed that his own convictions were opposed to his official instructions, and that he, at any rate, was in favour of striking one blow for the purpose of overturning the arrangements of 1833. A strong Turkish party shared the secret convictions of the British minister. Palmerston, imperfectly supported by his colleagues, and afraid to quarrel with Grey and his followers, refrained from recalling Ponsonby; and Mahmoud, acting on the obvious opinions of the British Envoy, and rejecting his official assurances, decided on crossing the Euphrates.[1]

Lord Ponsonby at the Porte.

[1] *Guizot*, vol. iv. p. 333. *Palmerston*, vol. ii. p. 323. Cf. *Greville*, vol. iii. p. 405.

The Euphrates, in its course from Armenia to the sea, flows in a westerly direction till it reaches the high range of hills which is known as Mount Taurus on the west, and Mount Ararat on the east. Forcing itself through a gorge in these hills, the river, which has hitherto been approaching the shores of the Mediterranean, bends to the south, and, flowing in a parallel direction with its great tributary the Tigris, ultimately enters the Persian Gulf. The town of Bir stands on the southern slope of the Taurus range, and on the left bank of the river. At this point Hafiz Pacha, the commander of the Turkish army, crossed the Euphrates in April 1839. Established on the right bank of the stream, Hafiz was within striking distance of the line of communications which Ibrahim maintained with Adana, on the north side of the Gulf of Scanderoon. It seemed impossible for Ibrahim to leave him unmolested. Rumour, anticipating events which seemed inevitable, everywhere declared that hostilities had actually commenced. Ponsonby, who had deluded himself into believing in the superiority of the Turkish arms, reported that "nobody doubts of war;"[1] and the French Ministry, preparing itself for every contingency, asked for 10,000,000 francs from the French Chambers.[2] War, however did not immediately occur. The five Powers exerted all their influence at Alexandria to impress moderation on Mehemet. Russia especially ordered her representative to spare neither remonstrances nor threats for the purpose of preventing a conflict; and Mehemet, whose ambition was always controlled by his judgment, agreed even to withdraw Ibrahim's army from Syria, if the five Powers would ensure peace.[3]

The Turks cross the Euphrates.

A short breathing space had been secured; and statesmen busily endeavoured to employ it in imposing terms on the combatants. The French Government desired that the five Powers should assemble in conference. The Conference, however, would have been compelled, in accordance with one

[1] Parliamentary Papers, Session 1841, vol. xxix. p. 60.
[2] Ibid., p. 52. [3] Ibid., pp. 64, 86.

of the Protocols of 1818, to invite the Turk to take part in its deliberations; and it was hopeless to expect that the Porte would ever furnish its Envoy with powers extensive enough to enable the negotiations to move at all. Instead of a Conference the five Powers agreed to address identical demands separately to the Porte. The outline which these demands should assume was easily settled. It was proposed that Mehemet should receive Egypt from the Porte as an hereditary pachalic, and that, in return for this concession, he should abandon the whole or a great part of Syria.[1] In the meanwhile Sir R. Stopford, commanding the British fleet in the Mediterranean, and Admiral Lalande, the commander of the French squadron, were instructed to open communications with both armies, and, if necessary, with Constantinople and Alexandria, for the purpose of securing an armistice.[2] In the event of the Russians entering Turkey—for the remembrances of 1833 still disturbed the counsels of France and England—Stopford and Lalande were to pass the Dardanelles and move up to Constantinople.[3]

The five Powers press for an armistice.

French and English statesmen were delighted at the understanding which they had succeeded in concluding with each other. "Soult is a jewel," wrote Palmerston to the British minister at Paris.[4] "This is not the communication of one Government with another"—so he said about the same time to the French minister at London—"call it rather a bond between colleagues, between members of the same Cabinet." The unanimity of the two Cabinets had apparently produced every end which was worth obtaining. The flags of France and England waved over their united fleets; and Russia, unable to act alone, followed the lead of the Western Powers. Yet all this while Hafiz Pacha was strengthening the position which he had seized on the right bank of the Euphrates; Ibrahim was concentrating his troops

France and England again co-operate.

[1] Parliamentary Papers, Session 1841, vol. xxix. p. 149.
[2] Ibid., p. 123.
[3] Ibid., p. 125.
[4] *Palmerston*, vol. ii. p. 295. Soult became Prime Minister in succession to Molé on the 12th of May 1839. Guizot's *Mémoires*, vol. iv. p. 308.

in front of Aleppo;[1] and obscure skirmishes between the soldiers in the two armies were making peace more and more difficult. At last both sides wearied of the delay which the five Powers imposed on them. On the 9th of June the Porte ordered Hafiz to advance; on the 10th of June Mehemet told Ibrahim that he had no other resource but to march against the Turks and attack them.[2] War, immediate war, was inevitable. At this precise moment an aide-de-camp of Soult's reached Constantinople charged with a personal mission to induce the Porte to stop hostilities. He paid the British minister the compliment of calling on him, and asking him to support his remonstrance. Ponsonby knew the anxiety which England, in common with all Europe, felt for peace; but he excused himself from a task, opposed to his own sympathies, by pleading that he had received no special instructions from his employers. The Turks, construing rightly the silence of the British Embassy, were merely enraged by the French demand. The last chance of preserving peace in Syria was thrown away by the British Ambassador at Constantinople.[3]

The attitude of the Turkish and Egyptian armies.

Ibrahim, in the meanwhile, was complaining to Hafiz that the Turkish troops were violating his territory, and stirring up insurrection around him. Hafiz was using all the dexterity of an Oriental to answer Ibrahim's complaints. Oriental State papers are couched in language which sounds strangely to Western ears. Hafiz prefaced his reply to Ibrahim with one of the most singular prayers ever composed by an Oriental: "May the good God deign to preserve the body of our august Lord as long as the world shall last; and may he cause his shadow to extend over all his servants and to protect all those who are devoted to him." The prayer was dated the 9th of June. The "good God" did not deign to protect the Sultan's devoted servants for above a fortnight. On the 24th of June Hafiz' army, attacked by Ibrahim,

[1] Parliamentary Papers, Session 1841, vol. xxix. p. 169.
[2] Ibid., pp. 155, 174.
[3] Ibid., p. 184.

was destroyed. Its camp, its guns, its stores were taken; and the soldiers, dispersing over the country, enlisted in thousands in Ibrahim's service.[1] The "good God" did not deign to protect Hafiz' august Lord for another six days. On the 29th of June the unfortunate Sultan, whom it has been the fashion of English historians to praise, but who was in reality a bloody tyrant, died at Constantinople. It was whispered that he was murdered by some of his subjects who were tired of his policy, and who wished to invoke Russian aid in their difficulty. Achmet Pacha, the Capidan of the Turkish fleet, either believing or pretending to believe the rumour, sailed through the Dardanelles and carried the fleet to Alexandria. Never had pious Mussulman breathed a more unlucky prayer than Hafiz: within a month Turkey had lost its army, its fleet, and its Sultan.[2]

The Turkish army routed.

The Sultan dies.

The Turkish fleet carried to Egypt.

Turkey was apparently in its death agony. The new Sultan, Abdul Medjid, was a boy sixteen years old. The new Vizier, Khosrew Pacha, was supposed by many people to be the murderer of Abdul's father. He was the declared enemy of Mehemet Ali: the last man with whom the Pacha of Egypt would like to treat. Negotiation, however, is an art in which all Turks are dexterous. Hafiz' defeat had not been published in Constantinople; it was privately known to Khosrew, but it was possible to pretend ignorance of the disaster. Khosrew hurried off a letter to Mehemet, availing himself of a new reign as a starting-point for a fresh policy. "The most majestic, most magnificent, and most powerful Sultan"—as he was pleased to term the boy whose army had been destroyed, and whose fleet had deserted him—was willing to forget the past and to grant Mehemet his sovereign pardon and a magnificent decoration, as well as to ensure him the hereditary succession of Egypt, on condition of his fulfilling the duties of

Unsuccessful negotiations between Turkey and Egypt.

1 The best account of the battle of Nezib is in Parliamentary Papers, Session 1841, vol. xxix. p. 242.

2 For Ibrahim's letter to Hafiz see ibid., p. 177. For the reply and prayer see ibid., p. 183. For report of the Sultan's murder see ibid., p. 222.

vassalage and submission.[1] Mehemet, however, replied that he thought the Sultan's concession not a mark of generosity but of necessity. He declined to treat except on the understanding that he and his were to be secured in the possession of all that they had won; he declined to treat with Khosrew at all.[2] The victor in the struggle naturally considered that he should receive the prizes of the conquest.

Mehemet Ali, however, overlooked one of the conditions of the contest on which he was engaged. He had beaten the Turk; but he had still to deal with the five Powers. All five were pledged to preserve the integrity and independence of the Turkish Empire; and Palmerston, who was taking the lead among them all, thought that the death of the Sultan and the rout of the Turks increased rather than diminished the necessity for decisive action.[3] The British minister was not likely to hesitate when decisive measures seemed necessary. On the 3rd of August he drew up draft despatches to Stopford ordering him to proceed to Alexandria; to prevent the Egyptian fleet from entering the port, if it were outside of it; or to leave the port, if it were inside; to represent to Mehemet the determination of the five Powers to preserve the integrity of the Turkish Empire; to demand, as a necessary preliminary, the immediate restitution of the Turkish fleet; and, in the event of Mehemet's refusal to restore it, to apply every means of coercion, from the mildest to the severest in turn, to force him to comply. Orders such as these obviously could not be issued without the concurrence of the French Government. The British and French fleets were acting under identical instructions, and the movements of both of them had hitherto been the same. Palmerston, however, apprehended no difficulties from the French Government. Soult was a "jewel," acting as if he were a member of the same Cabinet as himself. Soult accordingly—so he thought—would at once concur with

Palmerston resolves on interference.

[1] Parliamentary Papers, Session 1841, vol. xxix. p. 260.
[2] Ibid., pp. 279, 280.
[3] See his despatch to Lord Beauvale in ibid., p. 256.

his own views and issue similar directions to the French admiral. To save time the despatch to Stopford was forwarded through Paris; and the messenger who bore it was ordered to wait Soult's decision. It was destined never to reach Stopford; Soult at once declined to adopt a proposal which a French historian subsequently styled "a brutal proposition."[1] The despatch was returned to London and cancelled; and even a milder suggestion, that the French and English Consuls should demand the restitution of the fleet, and in the event of refusal withdraw from Alexandria, was subsequently rejected by the French Government.[2]

Soult refuses intervention.

In fact, the Egyptian victory at Nezib and Achmet Pacha's treachery had brought out the differences which in reality existed between the five Powers. All of them were ready to profess their desire to maintain the integrity of the Turkish Empire. But all of them attached a very different interpretation to the professions which they thus made. Palmerston imagined that the integrity of the Turkish Empire could only be secured by the cession of Syria, Arabia, and Candia to the Porte. Metternich, on the whole, agreed with Palmerston, though he thought that Mehemet's conquests might revert to the Porte only after Mehemet's death. Nesselrode professed his readiness to support either plan, provided that it was first adopted by the Porte itself. Soult, on the contrary, attached little or no importance to the cession of Syria, and was, at any rate, determined to use no force to obtain its evacuation by Egypt. From Palmerston's point of view the dominion of the Porte should be restored over its old territory; and Turkey, under the joint protection of the five Powers, should again resume its place among nations. From Soult's point of view the Ottoman Empire was gradually being dismembered, and the interests of Europe required that every province which was

The views of the five Powers.

[1] *L'Histoire de dix Ans*, vol. v. p. 448.

[2] Parliamentary Papers, Session 1841, vol. xxix. pp. 270, 289, 304, 317; and Guizot's *Mémoires*, vol. iv. p. 532.

detached from it should be converted into an independent State. Egypt extended to the Taurus might prove a better bulwark to Russian aggression than Turkey extended to the desert.[1]

It was obvious that the differences between France and England were much greater than the differences between England and the other Powers. It so happened, too, that Lord Granville, the British minister at Paris, was temporarily absent from his duties, and that his place was supplied for the time by Henry Bulwer, who had already served with credit in various capacities. Bulwer lost no opportunity in impressing upon Palmerston that the French Ministry was only playing with the English Government;[2] and Palmerston, annoyed at the check which he had received from Soult, and made suspicious by Bulwer, determined on adopting a new line of policy. An opportunity for doing so was afforded by the arrival of important news from Constantinople. The Porte, at the end of July, was on the eve of accepting the ultimatum of Mehemet. The representatives of the five Powers at the Porte, acting on the spirit of their instructions, proceeded to the Grand Vizier, told him that all the great Powers were agreed on the Eastern question, and besought him to arrive at no definite arrangement without their concurrence.[3] The Grand Vizier, of course, "cheerfully and readily" agreed to the proposal; and Ponsonby hurried off a despatch to Palmerston with the news. The news reached the Foreign Office at the very time at which France was refusing to support the coercive measures which Palmerston desired. Palmerston at once determined to break off the separate negotiation with France, and to combine all the five Powers in one common action. Vienna, he thought, from its geographical situation, should be the centre of the new negotiation; and

The Porte engages to conclude no peace without the cognisance of the five Powers.

[1] Cf. Parliamentary Papers, Session 1841, vol. xxix. p. 292, with *Palmerston*, vol. ii. p. 297; and *L' Histoire de dix Ans*, vol. v. p. 428 sq.

[2] *Palmerston*, vol. ii. p. 296.

[3] "A suspendre toute détermination définitive en attendant l'effet de l'intérêt qu'elles lui portent." Parliamentary Papers, 1839, vol. l. p. 297.

formal instructions were accordingly forwarded to Lord Beauvale, the British minister at the Austrian Court, and brother of the Prime Minister of England, to commence a new negotiation. Beauvale was to try and induce the other four Powers to join with Britain in demanding the surrender of the Turkish fleet; in the event of Mehemet's refusal to surrender it he was to propose that the allied fleets should blockade the coast of Egypt and Syria against all Egyptian vessels, and seize Candia. As Soult was obviously opposed to coercion, Beauvale was assured that, if the assent of the other four Powers could not be obtained, her Majesty's Government would act with "a less number than four."[1]

Palmerston's change of policy.

A single decision had altered almost in a moment the whole position of the Eastern question. At the beginning of August, Palmerston had been proposing to his "jewel" Soult the joint action of France and England. At the end of August, he was seriously contemplating coercion with the help of the Northern Powers, and without the aid of France.[2] The full significance of the change was at once seen. Nicholas, delighted at the prospect of detaching France from England, sent Baron de Brunnow, a skilful and experienced diplomatist, to London for the purpose of concerting fresh measures with Palmerston. Before his arrival news reached the British Foreign Office that Vienna, Berlin, St. Petersburg, Constantinople, all looked with favour on the British proposals. Sebastiani, the French minister in London, could only stand by and watch the gradual isolation of his own Cabinet.

The isolation of France.

Brunnow arrived in England on the 15th of September 1839. He was instructed to express Russia's approval of Palmerston's policy; and to offer the co-operation of Russia in giving effect to it. Russia thought the measures which Palmerston had already suggested for the purpose were wise, and with one exception sufficient. She

Baron Brunnow in London.

[1] Parliamentary Papers, Session 1841, vol. xxix. pp. 341, 347.

[2] Guizot's *Mémoires*, vol. iv. p. 357.

thought that the Powers might bring irresistible pressure on Mehemet by blockading the coasts of Egypt and Syria; by detaining Egyptian vessels; and, if necessary, by seizing Candia. There was, however, a possibility that Mehemet would meet the warlike measures of the allies by ordering Ibrahim to advance on Constantinople. The British and French fleets, engaged in blockading the Syrian coasts, would be unable to arrest the advance; and the power of the Sultan might for ever be destroyed by a direct blow at the heart of his empire. To guard against this danger Brunnow was instructed to propose that, in the contingency of Mehemet's advance, Russia should herself move a fleet to Constantinople, and an army to the Asiatic shores of the Bosphorus. Fleet and army were, however, to be at the disposal of the Alliance, and to retreat at the orders of the allied Powers. If the allies would assent to this proposal Russia offered to abstain from renewing the treaty of Unkiar Skelessi, and to consent, as a permanent arrangement, to the closing, in time of peace, both of the Bosphorus and of the Dardanelles to the ships of war of every Power. Russia—Brunnow was instructed to add—would gladly act with all the allied Powers; but, if France refused to act, she would co-operate—she would, indeed, preferably co-operate—with Britain and Austria alone.[1]

Palmerston communicated Brunnow's proposal to the French Ministry and his own colleagues. He avoided, however, telling France that Russia would prefer to dispense with French assistance. His reticence on this point did not conciliate the French Government. Soult was passionately opposed to the proposition that a Russian force should advance to the Bosphorus, while France and England stationed their fleets off the coasts of Syria and Egypt. "If a Russian fleet arrive in the Bosphorus, a French fleet shall appear there also," was his emphatic declaration to the British Chargé d'Affaires in Paris.[2] Soult's declaration proved that an unconditional compliance with the Russian

Soult objects to Brunnow's propositions.

[1] Parliamentary Papers, Session 1839, vol. xxix. p. 470; *Palmerston*, vol. ii. p. 300.

[2] Parliamentary Papers, Session 1839, vol. xxix. p. 431.

offer would involve an immediate European war. The British Ministry decided, therefore, on asking for some modification in the Russian offer; and on proposing that, in the event of a Russian fleet entering the Bosphorus, a British and French fleet should simultaneously enter the Dardanelles. Brunnow declined, on his own authority, to accept this modification of the Russian scheme; but he returned to St. Petersburg to submit it to Nicholas. Towards the end of November he was again on his way to London, bearing the welcome news that the Emperor agreed to Palmerston's stipulation, "que le pavillon de chacune des puissances qui voudront participer á l'action commune, soit représenté par l'envoi de quelques bâtimens."[1]

The Russian proposal modified and accepted.

Nicholas' concession cemented the alliance between Russia and Britain. It seemed, at first, likely to conciliate the French Ministry. Soult admitted that Russia had removed "the great obstacle to the satisfactory solution of the Eastern question."[2] Yet, notwithstanding this admission, France gave no signs of joining the alliance. She still declared that Palmerston had not paid sufficient attention to the character and resources of Mehemet; she still feared that it was dangerous or even impracticable to force him to comply with the British ultimatum. The language which France was using, however, was deprived of much of its force by the inconsistencies which it was easy to point out in her policy. In June France, like Britain, was pledged to maintain the integrity of the Turkish Empire; in September she was proposing the division of the Levant between Sultan and Pacha. In June her fleet was co-operating with the British squadron to enforce peace; in September she was steadily refusing to adopt coercive measures. The true explanation of these differences was that the battle of Nezib had altered the situation; but Soult had not the courage to plead this excuse for his altered policy. The most that he dared say was that France could not be blind to the "nécessité des faits."[3] He professed to

The inconsistencies of Soult's policy.

[1] Parliamentary Papers, Session 1841, vol. xxix. p. 536.
[2] Ibid., p. 554. [3] Ibid., p. 306.

the very end that he preferred Palmerston's policy to his own; but that he thought it impracticable.[1] Admissions of this character naturally gave the British minister a great advantage. He could say, with perfect truth, that, from first to last, he had been consistent; he could show, beyond the possibility of dispute, that France had been inconsistent. He could even show that the later policy of France was so inconsistent that the French minister was proposing one arrangement in Paris, and the French Ambassador suggesting another in London.[2] When Soult admitted that Palmerston was right in principle, the whole French case fell to the ground.

Every day witnessed the strength of Palmerston's argument; every day made it more difficult for Soult either to answer the British minister or to agree to the British terms. At the end of January the French Chambers met. The voice of France made itself heard. The French, it was evident, recognised the "nécessité des faits" much more clearly than their minister. French interests, in the opinion of the French, pointed to an alliance between France and Egypt; and the tone of the debates made it impossible to hope that France would unite with the other Powers. No French minister, it was obvious, could resist the strong current of public feeling which Mehemet's victories had set in motion; and Palmerston, in consequence, made up his mind that Britain must act without the aid of either France or Soult. It so happened, however, that an obscure question of no great importance led to a fresh change in the French Ministry. Louis Philippe, more anxious to provide for his own children than to further French interests in the East, persuaded Soult to apply for a dotation of 500,000 francs a year for his second son, the Duc de Nemours. The French Chambers threw out the proposal; and Soult, finding himself in a minority, resigned his office. He was succeeded by Thiers; and Guizot, who had already been

The French Chambers meet.

Soult's Ministry falls.

[1] Parliamentary Papers, Session 1841, vol. xxix. p. 598.

[2] Cf. ibid., pp. 427, 436, 444; *L'Histoire de dix Ans*, vol. v. pp. 441, 451; *Guizot*, vol. v. p. 224.

appointed to the office by Soult,[1] was employed as minister at London in succession to Sebastiani. The change in the French Ministry was made in the commencement of March 1840; it necessarily created a fresh delay in dealing with the affairs of Eastern Europe. Thiers, new to office, naturally required time to master the history of the negotiations, and to consult his colleagues;[2] and Palmerston, anxious to secure the co-operation of France, gladly waited for the decision of the new Government.[3]

The change in the French Ministry afforded France an opportunity for reconsidering her position. It was open to Thiers to declare that the integrity of the Ottoman Empire, in the sense in which Palmerston understood it, had been made impossible by the battle of Nezib; and that the best course to take was to extend Egypt to the Taurus instead of attempting to extend Turkey to the desert. Such a declaration would have been supported by the French people; and, if it had isolated France, would at least have made her policy consistent. Thiers and Guizot, however, like Soult and Sebastiani, shrank from taking this course. Their hesitation made their arguments inconsistent, and did not terminate the growing coolness between France and England. Trust gave place to suspicion, and France hurriedly prepared more ships of war at Toulon; while England, in her turn, raised her navy estimates.[4] In the

The Eastern policy of Thiers.

[1] Guizot has related his experience in England in much detail in the fifth volume of his *Mémoires*.

[2] Parliamentary Papers, Session 1841, vol. xxix. p. 630.

[3] Ibid., p. 632.

[4] Palmerston, in December, had spoken to Sebastiani in a friendly manner on the preparations which the French were making at Toulon. (Ibid., p. 552.) He repeated these remonstrances in March. (Ibid., p. 629.) The British navy was in no condition to meet a formidable enemy. The sums spent on it had been reduced from £6,540,000, in 1826, to £4,099,000 in 1835. (*Return of Public Income and Expenditure*, 1870, part ii. pp. 59, 77.) From 1836 constant complaints were made of the inefficient condition of the fleet, and its inability to meet the Russians; and the charge of the navy was gradually increased to £5,490,000. (Ibid., p. 85.) The estimates were again raised in March 1840, obviously in consequence of the French preparations at Toulon. *Hansard*, vol. li. p. 454; and cf. p. 467; and *Palmerston*, vol. ii. p. 310.

beginning of April the Porte sent a special Ambassador to London charged to urge the Powers to immediate action in redemption of their note of the previous July. The British minister at once offered to sign a convention for the purpose. The French minister authorised Guizot to discuss its terms with Palmerston, but still shrank from employing coercive measures against Mehemet.[1] The currents which were bearing Thiers and Palmerston on their respective courses were continually carrying them further from each other.

Yet an effort was still possible to reconcile the conflicting views of the two ministers. The Austrian and Prussian Ambassadors persuaded Palmerston to consent to cut Syria in half; and to offer the southern half to Mehemet on condition of his abandoning the rest of his conquests to the Porte.[2] Nothing, however, would content Mehemet except the whole of Syria; and no arrangement, which did not content Mehemet, could be wrung from the Pacha without the application of force.[3] It was wiser and better—so France argued—to purchase Mehemet's consent by giving him a little more, than to force him into resistance by giving him a little less. These arguments did not satisfy Palmerston. Austria, he had ascertained, was ready to join him in employing force; and he was consequently determined, with or without French aid, to carry out his own decision. His resolution was almost immediately tested. Mehemet, concerned at the prospect of a convention between Turkey and the allies, decided on taking a fresh step to frustrate the action of Britain and the other Powers. He resolved on sending a high official to the Porte, with authority and power to treat direct with the Sultan.[4] His decision brought everything to

[1] Parliamentary Papers, 1841, vol. xxix. pp. 657, 659, 660, 662.

[2] *Guizot*, vol. v. pp. 85, 210. [3] Ibid., p. 190.

[4] Parliamentary Papers, 1841, vol. xxix. p. 712. Bulwer says (*Palmerston*, vol. ii. p. 314) that Thiers instigated the offer from Mehemet. "He took a course which, if successful, would have been praised as skilful; but which, if it failed, would be condemned as tricky." The passage is not generous, since Thiers distinctly denied to Bulwer himself—who was Chargé d'Affaires at Paris—that endeavours had been made by the French Government to annihilate the negotiations in London. (Parliamentary Papers, 1841, vol. xxix. p. 751.)

an issue in a moment. Palmerston believed that Mehemet's action was taken at the instigation of France, and hastily determined to bring matters to an issue without French co-operation. He accordingly signed a treaty in London, on the 15th of July 1840, with the Austrian, Prussian, and Russian representatives on the one side, and the Turkish Ambassador on the other, detailing the terms of the arrangement to be concluded between Turkey and Egypt, and pledging the allies to use force to give effect to it. An ultimatum was at once forwarded to Mehemet demanding his assent to these conditions.

The Quadrilateral Treaty of 1840.

Britain was pledged to decisive action; but an important minority, both in Parliament and the Cabinet, doubted the wisdom of the policy to which Palmerston had committed his country. In 1839 the Radicals had disputed the propriety of interfering with a potentate whom Brougham declared to be "the most distinguished of any individual upon any throne at the present time."[1] In 1840 some members of the Cabinet disliked a policy which threatened the termination of the French alliance.[2] They did not, however, push their opposition to Palmerston to its full extreme; and the Foreign Minister, insisting on either the adoption of his own views or on his retirement from the Cabinet, succeeded in ensuring the success of his policy. The result showed that he had correctly estimated the will of France to interfere, and the capacity of the allied Powers to carry out the policy of coercion. The French indeed, were, in the first instance, furious at the news of the Quadrilateral Treaty. Thiers himself told Bulwer that the alliance between England and France was at an end. He declined to enter into any explanations respecting the French fleet. "This is not the time," he angrily declared, "to ask or to give explanations."[3]

The British Consul in Egypt told Palmerston that he had every reason to believe that the French Consul-General had no participation whatever in Mehemet's offer. Parliamentary Papers, 1841, vol. xxix. p. 712. Cf. *Guizot*, vol. v. p. 206.

[1] *Hansard*, vol. xlvi. p. 325.

[2] *Palmerston*, vol. ii. p. 356; and cf. *Guizot*, vol. v. pp. 67, 192.

[3] Parliamentary Papers, 1841, vol. xxix. p. 751.

But his anger did not lead to action. The four Powers formally communicated to Mehemet their decision that he should receive the hereditary sovereignty of Egypt and the Pachalic of Acre for life. They told him that, in the event of his failing to accept these terms within ten days, the offer would be withdrawn, and his Pachalic would be confined to Egypt alone. Mehemet, instead of accepting the offer of the Powers, renewed his direct negotiation with the Porte; and the Porte, with hasty arrogance, had the folly to decree his deposition. France, at once, isolated as she was, generously declared that she would not consent to the act of deprivation being carried into execution.[1] The impotent decrees of the unfortunate boy, however, who was enthroned at Constantinople had no effect on the allies. A joint British, Austrian, and Turkish squadron was already blockading the coasts of Syria and Egypt. In the middle of September, Beyrout, a seaport at the northern extremity of the Pachalic, was bombarded by the allies; on the 26th of September, Saida, the ancient Sidon, was stormed and taken by a mixed force under the command of Commodore Napier; and on the 3rd of November Acre was attacked by the allied fleet, and, after a bombardment of only three hours, reduced to ruins.

The anger of France.

The fall of Acre.

News of the fall of Acre came with startling rapidity both to Paris and London. Acre enjoyed a reputation of almost invincible strength. Its defence by Sidney Smith, forty years before, against Napoleon had altered the history of the world, and had surrounded the British navy with fresh glory. For two months Napoleon had stood before the town, baulked by the strength of its position and the gallantry of its defenders. Smith's exploit had been illustrated by the new siege to which the fortress had been exposed in the autumn of 1831. Ibrahim employed nearly six months in wresting it from the Turkish garrison by which it was held. The story of these sieges impressed the Continent with the power

[1] See Thiers despatch of October 8, 1840. Parliamentary Papers, 1841, vol. xxix. pp. 1014, 1018.

of the position; and, in October 1839, Soult himself told Bulwer that "there was no Power in Europe capable of taking St. Jean d'Acre."[1] Its destruction in only three hours by the fire of the allies was as unexpected as it was startling. The fall of the town, moreover, rendered the position of Ibrahim untenable. The only possible road by which an army can penetrate by land from Egypt to Asia Minor lies along the shores of Syria and under the guns of Acre. The line on which Ibrahim depended for his supplies was, therefore, pierced by the fall of the fortress. The capture of the position was essential to Napoleon in 1798: its loss was fatal to Ibrahim in 1840. Ibrahim had nothing to do but to retire, as best he could, into Egypt; Mehemet had nothing to do but accept the terms which the allies offered him. Palmerston had, in fact, more difficulty in the future in restraining the arrogant pretensions of the Sultan than in curbing the ambition of his Pacha. The guns of the allies had effectually settled the Eastern question, and restrained Mehemet for ever within the Pachalic of Egypt.

The effects of its fall.

This settlement was made more easy by a fresh ministerial crisis in France. Louis Philippe was alarmed at the warlike language of his ministers: he checked the warlike preparations which Thiers was making; he took upon himself in the middle of October to dismiss his ministry, and recall Soult to his counsels. Soult chose Guizot as his Foreign Minister. Soult and Guizot, though both annoyed at the discourtesy of Palmerston, laboured to preserve the British Alliance for their country. After Nezib, Soult had urged that Europe should not be blind to the "nécessité des faits." After Acre, Guizot could maintain that France must recognise "les faits accomplis." The French Chambers, in November, approved the policy of the new Government. France accordingly, again co-operating with the allies, became a party to the ultimate settlement of Egypt. She was a party to the treaty by which, in the

Soult recalled to power.

[1] Parliamentary Papers, 1841, vol. xxix. p. 449.

following July, the great drama was concluded, and Turkey consented in time of peace to close both Bosphorus and Dardanelles to the ships of war of all Powers.

The success which had rewarded Palmerston's policy ensured its approval by the British people. A policy which had foiled the French, and produced a fresh naval victory, was certain to be popular. The consistency, moreover, which Palmerston had displayed from first to last, the firmness with which he had maintained his opinions, the promptitude with which he had acted on them, was calculated to make a profound impression on the public mind. Every one knew the difficulties which he had successfully surmounted, the faint support which the ministry was receiving from Parliament, and the "rabid"[1] opposition of the French nation. Most people knew that his difficulties had been increased by the dislike of many of his own colleagues to his policy. It was natural, in these circumstances, that the fame of the British Foreign Minister should be raised to an extraordinary height by the skill of his plans and the vigour of his blow. Throughout Europe, throughout the East, throughout Britain itself, the name of Palmerston was on every lip. He had raised the honour of Britain to a level which it had not reached since the days of Waterloo. Other statesmen had won unanimity by concessions; he alone had won unanimity by success.

The popularity of Palmerston's foreign policy.

Yet, amidst the enthusiasm which the capture of Acre and the fall of Thiers had excited in Britain, a few men questioned the policy which Palmerston had pursued.[2] They detected inconsistencies where other men saw nothing but consistency. They ventured to disapprove the proceedings which the mass of their fellow-men was loudly approving. The judgment of posterity has frequently sided with the minority; and it is probable that any calm judging

Objections to it.

[1] The epithet is Lord Beaconsfield's, in *Tancred*, chap. vii.

[2] The case against Palmerston was admirably stated by Grote, in *Hansard*, vol. lvi. p. 50. Cf. Milnes (Lord Houghton), ibid., p. 78; and Hume, ibid., p. 83.

person who examines Palmerston's foreign policy will reluctantly condemn his treatment of the Eastern question. It will be obvious, on such an examination, that the foreign policy of Palmerston, during the Grey and Melbourne Administrations, is roughly divisible into two parts. The first part culminated in a Quadruple Alliance between the Constitutional Powers of Western Europe; the second part culminated in a Quadrilateral Alliance between Britain and the autocratic Powers of Northern Europe. A good understanding with France was, at once, the basis and the object of the policy during the one period. The *entente cordiale* was contemptuously cast aside during the latter period.

A wise man will not willingly sacrifice a good understanding with his friend; a wise minister will not willingly sacrifice the friendship of an ally. There is no reason to suppose that Palmerston did not regret the separation of his country from France. He thought it inevitable; and, so thinking, broke from Soult and Thiers. Yet any calm person who reviews the events will probably be struck with the trifling nature of the difference between Thiers and Palmerston. Palmerston offered Mehemet Egypt and the Pachalic of Acre for life. Thiers wished to secure to Mehemet, not merely the Pachalic of Acre, but the whole of Syria. There was reason to believe that Mehemet would have accepted Thiers' offer. It was certain that he would refuse Palmerston's offer. Yet Palmerston risked the consequences of Mehemet's refusal for the sake of obtaining acceptance of his own plan. There was force in Thiers' scornful rebuke of his policy: "The four Powers, in granting to the successful vassal, who has been able to govern Egypt, hereditary right in that province, grant him, besides, the Pachalic of Acre, but they refuse him the three other Pachalics of Damascus, Aleppo, and Tripoli; and they call that preserving the integrity of the Ottoman Empire! The integrity of the Ottoman Empire is, then, preserved, even if Egypt and the Pachalic of Acre is detached from it; but destroyed, if, in addition to that, Tripoli, Damascus, and Aleppo are detached.

The rupture with France was not justifiable.

We plainly assert that such a proposition cannot be gravely maintained in the face of Europe." [1]

The propriety of the proceeding, moreover, becomes more doubtful when it is recollected that, but for Palmerston and Europe, peace between the Sultan and his Pacha would have been ensured in 1839. No one doubted that Abdul Medjid and Mehemet would have arranged terms in that year if the ministers of the Great Powers had not stopped the negotiations, and Palmerston had not warmly supported the policy of the ministers. It was probable, even, that Mehemet would have made terms with the Sultan in 1840, if the conclusion of the treaty of July had not stopped the negotiations which he had voluntarily initiated. The intervention of the Powers, then, did not terminate hostilities; on the contrary, it protracted them. It stopped the settlement which the combatants would themselves have made: it forced another settlement upon them. It reversed the ordinary rules of warfare; it gave the vanquished the prizes of conquest; it refused the victor the fruits of his victory.

The intervention of Palmerston in Syria was, indeed, only a natural development of his earlier foreign policy. He had intervened with France in Belgium; he had intervened in Portugal; he had allowed a British Legion to enlist for Spain; his admirers thought it only natural that he should intervene in Syria. And yet it was possible to draw a distinction between all these cases. In Belgium treaty rights and the original application of Holland justified to some extent the intervention of the Foreign Minister. The gross brutality of Miguel justified to some extent the intervention of the Foreign Minister in Portugal. Intervention in Spain was concealed by the device of enlisting Evans in the service of the Constitutionalists. In Syria, on the contrary, intervention was direct: it was uncalled for by any treaty stipulations; it placed a province at the mercy of a Government which had long displayed its incapacity for rule.

British interests, however, in Palmerston's judgment, necessi

[1] The despatch will be found in *Ann. Reg.*, 1840, Chron., p. 527.

tated the intervention. Britain was compelled to raise a barrier to Russian aggression. She could not afford to see Egypt, the ally of France, blocking the road to India down the valley of the Euphrates, blocking the road to India across the Isthmus of Suez; and Britain, therefore, in her own behalf, was compelled to intervene. But here again it was possible to reply that Mehemet might be the ally of Britain as well as the ally of France, while his well-trained legions formed a better barrier to Russian aggression than the feeble sceptre of the "très-majestueux, très-puissant, et très-magnifique" lad who was trembling on his throne at Constantinople. Palmerston affected to fear the advance of a living despot; and the living despot, wiser than the British Foreign Minister, gladly allowed the dead corpse of Mohammedan rule to be raised as a barrier against his approach.

Intervention was not justified by British interests.

One other consideration affected people who could take a wider view than Palmerston was taking of British interests. British interests, in the true sense of the term, depended on the spread of peace and prosperity; and neither peace nor prosperity was promoted by assigning the Levant to the feeble and brutal government of the Porte. The province, too, whose chains were again placed in the hands of the Sultan was a country in whose prosperity every Christian nation has a keen interest, but which seems designed by Providence to be the miserable theatre of the worst actions of mankind. More than three thousand years ago its first conquerors raised massacre into a policy, and had the profanity to impute their brutal proceedings to the direct commands of a beneficent Deity. The Assyrian, the Roman, the Mussulman, and the Christian have, since then, alternately seized the devoted land; and each successive conqueror has freely watered its plains with human blood. Peace had for a moment been secured to the exhausted territory by the firm discipline of Ibrahim. Order disappeared with the return of the Turk; and the Syrian question, which Palmerston fancied that he had settled, was destined a few years afterwards to menace the peace of the world.

These, however, were the opinions of only a minority in

1841. The majority loudly praised the British Foreign Minister. His policy had been rewarded with success; it had shed fresh lustre on the British arms; it had raised the name of Britain on the Continent; it even threw some little light on the tarnished reputation of the British Ministry at home. The Melbourne Administration thus acquired some fame from the success of a system which many of its own members had opposed; and a falling ministry could at any rate boast that it had made the name of Britain respected and feared in every capital in Europe.

CHAPTER XVII.

THE CONDITION OF ENGLAND IN 1841.

THERE are periods in the history of every nation when the historian may usefully interrupt his narrative to review the general tendency of the reforms which he has chronicled, or the general effects of the measures which he has related. Such a halting-place occurred on the final fall of the Whig Ministry. For nearly nine years the United Kingdom had been governed by a reformed Parliament. The electors enfranchised by the Act of 1832 had received three opportunities—in 1832, 1834, and 1837—of choosing their representatives. Three Parliaments, chosen on three separate occasions, had run their course. Three examples had consequently been given of the disposition and peculiarities of a reformed House of Commons. The Tories could test by the result the true worth of the fears which they had expressed in 1831; the Liberals could determine how far the expectations which they themselves had formed had been realised. The time for prophecy was over; the time for examining the value of prophecy had come.

The effects of the Reform Act.

No one could doubt the consequences of such an examination. The hopes of extreme Radicals, the fears of timid Tories, had been equally disappointed. The convulsion which shook society in 1832 soon subsided, and the political atmosphere resumed its customary calm. For two sessions, indeed, the great forces, which had operated in 1832, retained their power; and nervous persons were alarmed at seeing the rapid accomplishment of the reforms which distinguished the Grey Administration. But these forces soon lost their influence; Tory

Lords,[1] on finding that a reformed Parliament deprived them neither of their peerages nor of their estates, recovered their equanimity, and even ventured on displaying their power and their intolerance. An unreformed House of Commons had compelled the Peers to give way in 1832; a reformed House of Commons submitted, from 1835 to 1841, to the modification of its best measures by the Lords.

It is easy to explain the indifference which a reformed House of Commons displayed to the conduct of the Peers. An unreformed House of Commons had compelled the Lords to give way in 1831, because it had been influenced by the excitement of a determined people. A reformed House of Commons failed to compel the Peers to give way after 1835, because the people had relapsed into apathy. But it would be a grave mistake to infer, from these circumstances, that the cause of progress had gained little or nothing from the reform of Parliament. On the contrary, the whole character and conduct of Parliament had been modified by the Reform Act. The reformed House of Commons was largely recruited by a class of persons who had found no place in the unreformed House. The fashionable young gentlemen, who had been nominated as the members of rotten boroughs, had been replaced by earnest men chosen by the populous places enfranchised by the Reform Act. Representing not a class, but a people, they brought the House into harmony with the nation. They insisted on receiving a public hearing for their own views; and on obtaining comprehensive information on the many subjects in which they, and those who had sent them to Parliament, were interested. Their determination in these respects produced two results. Parliamentary debates were lengthened to an enormous and, as some people thought, to an inordinate degree; parliamentary papers were multiplied to an extent which

On the character of the House of Commons.

[1] Lord Hertford felt such genuine alarm at the Reform Bill, that he invested £500,000 in America as a provision for his own necessities when he was deprived of his estates in England. It is a curious fact that the State in whose securities Lord Hertford placed his nest-egg repudiated its debt, and that Lord Hertford lost his money. Raikes's *Journal*, vol. iv. p. 136.

probably no one, who has not had occasion to consult them regularly, has realised.[1]

The increasing length of the debates, and the greater number of speeches, compelled the House of Commons to revise its rules for conducting its business. Up to 1833, any member who had presented a petition to the House had been at liberty to raise a debate upon it. Any member, therefore, who had the capacity and the resolution to do so, might weary out the House and the ministry by presenting petition after petition, and by raising

Increasing number of petitions.

[1] The multiplication of parliamentary documents may be stated arithmetically. During the eight years which closed in 1832, there were nine sessions of Parliament; and the papers printed by the House of Commons are contained in 252 volumes. Each year, on an average, produced thirty-one, each session twenty-eight, volumes of Blue-book literature. During the eight years which commenced with 1833, the papers of the House of Commons filled 400 volumes, and each year added on an average fifty volumes to the prodigious collection of Blue-books. One commission alone added thirteen huge volumes to the mass of parliamentary literature. The reports of another commission are said to have weighed upwards of twelve stone. (*Hansard*, vol. lxvi. p. 1167). The debates of the Legislature kept pace with the growth of Blue-books. From the accession of George IV. in 1820 to his death in 1830, the proceedings of the Legislature are reported in the second series of *Hansard's Parliamentary Debates*, and extend over thirty-four volumes. From the autumn of 1830 to the fall of the Whig Ministry in 1841, the debates of the Legislature are contained in the third series of *Hansard*, and are collected in fifty-nine volumes. It may perhaps be thought that the increasing bulk of the parliamentary debates is mainly due to the increased facilities afforded to parliamentary reporters. But this explanation does not account for the whole increase. The growth of *Hansard* is not solely due to the greater fulness with which the proceedings of the Legislature are chronicled; it is mainly attributable to the time which a reformed House of Commons devoted to public business. Before the reform of Parliament, no House of Commons had ever sat for a thousand hours in a single session. In 1833 the reformed House of Commons sat for 1270 hours; in 1837 it sat for 1134 hours. *Hansard*, vol. xliv. p. 1322.

It is worth observing that the Government, without much cost or labour, could remove the great difficulty which besets every inquirer into modern history. There is no reason whatever why the domestic papers of importance should not be collected year by year into one volume, similar to that which the Foreign Office annually publishes under the title of *State Papers*. There ought to be no difficulty in also reproducing in one volume a full and satisfactory abstract of the parliamentary debates. The information material to historians would then be collected in three volumes: one devoted to parliamentary debates; a second to papers on domestic or colonial questions; a third, as at present, relating to foreign policy.

debates on each petition. It had been reserved for Brougham to demonstrate in 1816 the intolerable extent to which a private member could push this privilege. His incessant exertions procured the repeal of the income-tax, but they consumed a large amount of time which could not easily be spared. Fortunately for the comfort of the House, Brougham's example was not generally imitated. The remembrance of it, however, still lingered in the memories of the older members, and made them dread the repetition of a similar abuse. Such an abuse could be more easily resorted to in a reformed House of Commons. In an unreformed Parliament, the House had rarely received 5000 petitions in one year. In a reformed Parliament, the House frequently received 20,000 petitions.[1] "The debating of petitions threatened to become" its "sole business;"[2] and its capacity for work seemed liable to be limited by the discussion of real and alleged grievances. The House, however, did not, at once, venture to adopt the obvious course of stopping debate. Instead of doing so, it decided on devoting special sittings on the mornings of two days in each week to these discussions. But this plan involved a new and vexatious demand on the time of members, and condemned the petition to be debated in a small House where no one paid much attention to it. After a short trial of two sessions, it was abandoned,[3] and the House, instead of debating petitions at special sittings, decided on discouraging such debates altogether.[4] This decision, however, was not wholly satisfactory. Debates continually arose against the desire of the House, till at last, in 1839, it took the bold step, which it subsequently confirmed in 1842, of deciding that, except in the case of present personal grievance, or of privilege, or where

[1] In the five years ending 1789 there were 880 petitions; in the five years ending 1805, 1026 petitions; in the five years ending 1815, 4498 petitions; in the five years ending 1831, 24,492 petitions; in the five years ending 1843, 94,292 petitions. *Hansard*, vol. lxxii. p. 152; and cf. ibid., vol. cxiv. p. 139.

[2] Sir E. May's *Const. Hist.*, vol. ii. p. 69.

[3] May's *Parl. Practice*, p. 516. Cf. Report of Select Committee of 1834; and *Parl. Papers*, 1834, vol. xi. p. 319.

[4] See Speaker Abercromby's remarks in *Hansard*, vol. xxxv. p. 609.

immediate action was necessary, no debate on any petition should be allowed.[1]

This decision relieved the House of Commons from a vast amount of unnecessary debate. But even this decision did not enable the House to transact the whole of the business which it was necessary for it to undertake. The ministry found it annually more difficult to find time for discussing all the subjects with which it undertook to deal; and private members found every year that there were fewer opportunities for drawing attention to the various subjects in which they were individually interested. The members of the ministry, naturally desiring to obtain precedence for their own measures, struggled to obtain a larger share of the time at the disposal of the House. A weak Government, supported by only a small majority, however, proved unable to secure this advantage, and ministers were consequently forced to content themselves with two evenings out of every seven.[2]

Increased business was one consequence of the reform of Parliament. Another consequence was the increased publicity which was being gradually given to the proceedings of the Legislature. The jealousy of publicity, which had animated Parliament in the eighteenth century,

Increasing publicity of proceedings.

[1] The decision of 1842 will be found in *Hansard*, vol. lxii. pp. 474–488. But another alteration was made at the same time. The income-tax had recently been introduced by Peel, and several petitions were presented against it. Peel declared that for 150 years it had been the uniform usage of the House to decline to receive petitions against the imposition of a new tax, and asked the House to adhere to its usage (ibid., p. 200). He was supported by a very narrow majority (222 votes to 221, ibid., p. 215), and the Opposition was of course encouraged to renew the struggle (ibid., p. 296). Ultimately, it was unanimously decided to insert a provision in the new Standing Orders respecting petitions, providing for the discontinuance of the 150 years' usage on which Peel had relied. Ibid., pp. 477, 485; cf. *Hansard*, vol. xlv. pp. 156, 197; May's *Parl. Prac.*, p. 516.

[2] Russell proposed in 1838 and 1840 that orders of the day should have precedence of motions on Thursdays. He was opposed by Goulburn on the first occasion, and by Peel on the second; and both motions were withdrawn. Mondays and Fridays were, up to that time, the regular Government nights. See *Hansara*, vol. xlii. pp. 597–605; and vol. lii. pp. 612–615; and cf. the Report of the Committee, *Parl. Papers*, 1837, vol. xiii. p. 295, on whose recommendation Russell's proposal was based.

had long since disappeared; and members, instead of resenting the publication of their speeches, were constantly furnishing corrected reports of them themselves. The Lords, in 1833, set aside a particular gallery for reporters; a separate gallery was provided for the accommodation of reporters in the temporary House which was constructed for the Commons in 1834;[1] and permanent provision was made for the representatives of the Press in the new Houses which were subsequently erected. Reporting, indeed, still remained a breach of privilege. Technically any member was entitled to notice the presence of strangers and to demand their exclusion. But this practice had fortunately fallen into disuse, and was only resorted to on rare occasions.

The electors of the United Kingdom were thus enabled to watch the conduct of their representatives, and to judge their efficiency by reading their speeches. Only a small minority of the members, however, ever spoke at all; the great majority contented themselves with silently recording their votes for or against the ministry, and the electors had not yet received any opportunity of ascertaining the votes of their representatives. On important occasions unofficial division lists were indeed published. But these lists were only published when they related to questions of wide public interest, and when the members who took part in the division were anxious that their votes should be known. On ordinary subjects a member might give a silent vote against a measure in which his constituents were interested, without much chance of its attracting their attention or exciting their indignation. The members generally thought that this concealment of their own proceedings was essential to their freedom. In modern language, they regarded themselves as representatives and not as delegates, and considered that their constituents had nothing whatever to do with their votes. This idea was so deeply rooted in the public mind that even a reformed Parliament, in its first session, refused to publish the names

Publication of division lists.

[1] May's *Const. Hist.*, vol. i. p. 431. *Hansard*, vol. viii. p. 812.

of the members who took part in its divisions.[1] Its refusal led to one memorable scene in the House of Commons. O'Connell, anxious to use every means to defeat the Coercion Bill, wrote over to Ireland disclosing the votes of Irish members. "Young Talbot of Athlone," so his letter ran, "voted in both majorities. Learn, at once, what the honest men of Athlone think of the desertion of his country. The two members for the county of Limerick voted also in the majority against Ireland. Is there no honest spirit remaining in that county to call upon the two gallant colonels to retrace their steps?" O'Connell's letter showed the House that its own determination to screen the votes of its members from the public gaze could be rendered useless by the conduct of any single individual among them. Irritated Tories, like Stanley—who still indeed belonged to a Whig Cabinet—declared that "no more flagrant violation of freedom of speech and freedom of thought" had ever come before the House of Commons.[2] The good sense of the majority was not disturbed by Stanley's exaggerated rhetoric. Just before O'Connell's letter the House had refused to publish division lists; at the commencement of the next session it appointed a select committee to consider how their publication could best be made.[3]

Some little difficulty was experienced by the committee in devising an adequate plan for ascertaining exactly how each member voted. In the old Houses, which were destroyed in 1834, many improvements were impossible because there was no room for them. On a division the presumed majority was directed to remain in the body of the House; the presumed minority was told to go into the lobby. Separated in this way, the numbers on each side could be easily counted. The committee thought that without much additional labour the names might as easily be recorded on a sheet of pasteboard or paper. It was computed that 400 names could be recorded in twenty minutes; and that only a slight delay

[1] *Hansard*, vol. xv. p. 1089. [2] Ibid. p. 1290.
[3] Ibid., vol. xxi. p. 239.

would consequently arise from the introduction of the proposal.[1] The plan in the first instance failed. Tried again, on the recommendation of a second committee,[2] in the more convenient chamber erected after the fire, it succeeded; and, from the commencement of 1836, accurate lists of each division have been published under the authority of the House of Commons.

The publication of division lists constitutes perhaps a more important landmark in the history of progress than the publication of parliamentary debates. The instruction of the public was promoted by the one reform; its power was directly increased by the other. The great and intelligent class of society to which Peel appealed in the Tamworth manifesto was able to determine whether its representatives in Parliament did their duty, and reflected the views of those who sent them to Westminster. The electors, however, were not the only persons in the country who had learned to take an interest in the discussions of the Legislature. Women were, for the first time, beginning to plead their right to participate in the government of the country. A petition was presented to the unreformed Parliament on the eve of its dissolution, asserting the right of women to the franchise, and complaining that judges and juries were all men. A Tory baronet disposed of it with a sneer. "It would be rather awkward"—so he thought proper to argue—"if a jury half males and half females were locked up together for a night."[3] The sneer probably did not do much harm to the cause of women. Most politicians were, indeed, unwilling to confer the electoral franchise upon them; but most politicians were also anxious that their own wives and daughters should be allowed the opportunity of listening to their speeches. When the erection of new Houses of Parliament became necessary in 1835, a

The provision of a Ladies' Gallery.

[1] See the Report, *Parl. Papers*, 1834, vol. xi. p. 325.

[2] *Parl. Papers*, 1835, vol. xviii. p. 95. *Hansard*. vol. xxxi. p. 565.

[3] The petition, which is the earliest which I have noticed supporting women's rights, was presented by Hunt. The Tory baronet alluded to in the text was Sir F. Trench. Ibid., vol. xiv. p. 1086.

committee was appointed to consider whether arrangements could not be made for the admission of a certain number of ladies to every debate. The committee recommended the construction of a Ladies' Gallery; and the Government undertook to introduce a vote for the purpose. The proposal of the vote enabled the opponents of reform to rally in defence of existing arrangements; and they succeeded in rejecting it. In 1837, however, the House agreed to an address to the Crown praying it to carry into effect the recommendation which its committee had made two years before. The accession of a queen to the throne was thus almost simultaneously attended with the return of the ladies[1] to the gallery of the House of Commons.

Publicity was thus one of the distinguishing consequences of parliamentary reform. Parliamentary speeches were reported with more care; the composition of majorities and minorities was authoritatively communicated to electors; parliamentary documents were sold at cheap rates to any persons who chose to purchase them; and even ladies were again allowed to attend the debates of the House of Commons. It is doubtful whether the increased publicity which was given to the proceedings of the Legislature had a beneficial effect on parliamentary oratory. The anticipations which most people expressed before the Reform Act, and which most people possibly even now imagine to have been fulfilled, received in one respect a signal disappointment. The first reformed Parliament contained, no doubt, many respectable citizens more fruitfully endowed with money than with brains, but it also comprised a larger proportion of ability among its younger members than perhaps any new Parliament had ever done before. It was enriched with the historical knowledge of Grote, of Macaulay,

Oratory in a reformed House of Commons.

[1] Up to 1778 ladies had been admitted to the House; and their exclusion from 1778 to 1837 had been due to the bad behaviour of the few ladies who represented their sex on the last occasion on which they had been present. May's *Const. Hist.*, vol. ii. p. 52, note. For the debates on their readmission see *Hansard*, vol. xxix. p. 637; vol. xxx. p. 49; vol. xxxiii. pp. 527, 812; vol. xxxv. p. 1074; vol. xxxviii. p. 1483.

and of Mahon, with the imaginative genius of Lytton Bulwer, with the careful finish of his brother Henry; it was instructed by the sense of Cobbett, it was enlivened by the wit of Charles Buller; it numbered among its lesser luminaries a Tooke, a Molesworth, and a Praed. Nearly all these persons commenced their parliamentary career in a reformed House of Commons: nearly all of them had acquired a reputation before they crossed the threshold of the Legislature. The reader, acquainted with the varied attainments of these accomplished men, who remembers that at the same time a Follett was elected for Exeter, a Wood for Halifax, a Gladstone for Newark, and that within five years a Monckton Milnes was chosen by some Northern electors, a Disraeli by a Southern borough, will probably conclude that the Reform Act, whatever other consequence it may have produced, had not the effect of driving genius from the House of Commons.

The members, however, who were returned to a reformed Parliament must have discovered that the style of parliamentary oratory had been changed by the Reform Act. In the reign of George IV. speeches were made in an artificial atmosphere, discussions had only an abstract interest, and the House of Commons resembled a debating society. The chief speakers cared as much for the polishing of their periods as for the cogency of their arguments, and an apt quotation from Horace or Virgil was as much prized as a dozen facts. Quotations from Latin authors were at a discount in a reformed House of Commons. Night after night was often devoted to statistics, to which an unreformed Parliament would have refused to listen; and, instead of searching for illustrations from the classics, members sought for arguments in the "Wealth of Nations," or for their facts in Blue-books.[1] They ceased to declaim and they laboured to convince. Parliamentary oratory, in one sense, suffered from the change. The principal speakers

[1] There is a good story that Wellington once said that he read the Latin grammar to find quotations for the House of Lords. On the other side may be quoted the remark of Whately—"It seems to me that before long political economists of some sort or other must govern the world." Whately's *Life*, vol. i. p. 67.

left off making set speeches carefully prepared, and practised themselves in the art of ready and happy reply. The orator became of less importance than the debater, and the two men who possessed the greatest readiness in debate obtained or maintained the lead of the two great parties in the State. Of the two, Russell was superior to Peel in the skill with which he exposed the weak points of his opponents; but Peel was superior to Russell and to all his contemporaries in the extent of his information, and in the breadth of his understanding.

Peel and Russell.

It must not, however, be hastily deduced from these circumstances that the age of public speaking ceased with the Reform Act. No mean authority, indeed, declared that the most brilliant period of parliamentary oratory was that which was graced by Canning, by Plunket, and Brougham.[1] But it may be doubted whether Russell, in recording this conclusion, was not misled by a very natural circumstance. From 1820 to 1827, when Canning, Plunket, and Brougham occupied seats in the House of Commons, Russell's own powers were not matured, and these great orators may have seemed at an immeasurable distance above him. After 1835, on the contrary, the greatest orators of the time submitted to his leadership or contended with him on equal terms, and he naturally hesitated to place them on the level on which he had enthroned the idols of his younger days. Yet, if it be a distinction to overwhelm an assailant with a rapid impetuous eloquence, the student may be disposed to place Stanley on a level with Canning; if it be a charm to illustrate the clearest reasoning with varied information, and to adorn it with luxuriant language, the student may place Macaulay on a level with Plunket; if passionate invective and withering scorn be the objects of oratory, the student may place O'Connell on a level with Brougham.

[1] Lord Russell, in *Recollections and Suggestions*, p. 55. Sheil admirably described the eloquence of the men in one sentence—"Plunket convinced, and Brougham surprised, and Canning charmed, and Peel instructed, and Russell exalted and improved." *Hansard*, vol. xcvi. p. 273.

Mackintosh once remarked that, if the rank of poets were to be settled by particular passages, Campbell would be placed above Scott.[1] In the same way, if the rank of orators were determined by particular speeches, Macaulay would be placed above either Stanley or O'Connell. Scott, perhaps, never conceived any image so beautiful as that with which the poem on "Hope" commences, and Stanley never made any speech which was quite equal to Macaulay's two speeches on the Law of Copyright. Yet no competent critic would place Campbell on a level with Scott, or admit that the set speeches which Macaulay delivered entitled him to rank as an orator with Stanley. It is more difficult to determine the relative worth of Stanley and O'Connell as orators, than to decide whether Macaulay was superior to Stanley, or Stanley to Macaulay. Most people would probably award the palm to Stanley. The debates of 1833 would perhaps justify this judgment. Yet the inquirer who will take the trouble to read a dozen of the best speeches of either orator will possibly find cause for modifying his opinion. The eloquence of Stanley, indeed, cannot be easily compared with the invective of O'Connell. Rapid, impetuous, perspicuous, logical, Stanley's declamatory speeches won boundless praise from the sympathising audiences which applauded them. O'Connell's clear, vigorous, scornful rhetoric was addressed to an audience which never extended to him its sympathy. In Stanley, the reader is reminded of a torrent bearing all before it; in O'Connell, the fancy pictures an animal at bay against its foes. Stanley, in his greatest speeches, always endeavoured to carry his audience along with him; O'Connell, in his most characteristic bursts, resolutely set them at defiance: "Men of blood, as you are, then call for blood," was his bold reproof to the Tories in 1836. "Oh, sir! let them shout; 'tis a senseless yell!" was his language in 1838. "Your vices and crimes have driven its (the Irish) people to outrage and murder"—so he charged the English in 1839. "I tell you

Macaulay, Stanley, and O Connell.

[1] *Life of Mackintosh*, vol. ii. p. 82.

that you may be tyrants; but we will not be slaves," was his declaration shortly afterwards.[1]

The reader, then, who diligently compares the debates of a reformed Parliament with those of an unreformed House of Commons will not be disposed to think that the orators of the later were inferior to those of the former period. But, in one respect, the aspect of the Legislature suffered a great change after 1832. The House was less orderly than of old, and its members were more violent. Violence and disorder were perhaps the inevitable consequences of parliamentary passion. They rose to an unprecedented height under the feeble rule of Abercromby, and the members, angry with the Government, angry with O'Connell, angry with one another, indulged in language and in sounds which should not have proceeded from English gentlemen.[2]

Manners in Parliament.

These passions were, of course, provoked by the debates which arose on the public business of the House of Commons. Public business absorbed the attention of the Legislature, its conduct attracted the attention of the people, the debates upon it were reported in every newspaper. Yet, while the public business of Parliament was increasing in importance and extent, other matters, of less general interest, or which at any rate attracted less general notice, were occupying much of the time of the Legislature. Before the passage of the Reform Act the private business of Parliament was not great, or, at any rate, did not occupy a great deal of time. Every town, indeed, which wished to make a new road, to build a new bridge, to light or pave its streets, to institute a new watch, or to introduce any new improvement, had necessarily to apply for the sanction of Parliament. The leave of the Legislature was requisite to enable the locality to take

Private business.

[1] These extracts from O'Connell's speeches will be found in *Hansard*, vol. xxxiv. p. 77; vol. xlii. p. 1314; vol. xlvi. p. 111; and vol. xlvii. p. 443. It may be doubted whether four equally impressive sentences could be culled from the speeches of any other orator containing so few words which were not Saxon in their origin, or so few of more than one syllable. It is evident that O'Connell did not extend his hatred of the Saxon to the Saxon language, and that when he was most impressive he always used the simplest diction.

[2] See *ante*, p. 213.

property which the owner was either unable or unwilling to sell, and to impose the charge of the improvement on the ratepayers of the district. Parliament itself, however, took little interest in purely parochial concerns; and the House of Commons was accordingly accustomed to refer purely local questions to committees of its members. It was decided in 1826 that these committees should consist of 120 members, sixty of whom were supposed to be locally interested in the matter, and sixty of whom were impartial.[1] These committees proved very unsatisfactory tribunals. The sixty members connected with the locality were assiduous in their attendance; the sixty others, who had no connection with it, rarely attended at all. This circumstance, however, was only of slight inconvenience when purely parochial matters formed the chief business of private bill committees. The members connected with a town were at least as likely as any other persons to take a liberal view of the improvements which the town desired. The introduction of canals, however, by Brindley, the construction of roads under Telford, and the projection of railways after the opening of the Liverpool and Manchester line, subjected the committees to new tests which had not previously been applied. A canal, a road, or a railway, which passed through perhaps a hundred miles of country, was a national and not a local concern; and the members who sat on the committee to which the proposals were referred were all anxious to promote the interests of some particular locality. In some cases, indeed, rival schemes were referred to the same committee, and the members were interested—were occasionally corruptly interested—in promoting the success of one or other of the plans. It was publicly stated in the House of Commons in 1839 that a member who had regularly attended a committee had received, after the passage of the bill, a certain number of shares in the company from the solicitor; that the shares were at a premium in the market, and that the member had pocketed the premium.[2] The

[1] *Parl. Papers*, 1839, vol. xiii. p. 102.

[2] *Hansard*, vol. xlv. p. 978. Cf. the account of the scandalous proceedings on the South-Eastern Railway. Ibid., vol. lxxxii. pp. 797, 1377.

allegation may have been either true or false; but those persons who are accustomed to "moralise on the decay" of parliamentary morality may be comforted by the reflection that the House of Commons allowed such a charge to be publicly made and publicly reported forty years ago without taking a single step to test its accuracy.

Facts of this kind created so much scandal that, in accordance with the advice of a committee in 1839,[1] the House of Commons authorised the Speaker to make a considerable reduction in the numbers on each committee; while independent persons expressed a desire that the Commons should follow the example which had already been set to them by the Lords, and reduce the number on each committee to five. Peel and Russell, however, both resisted so radical a change, and clung to the antiquated system of local representation on private bill committees. The numbers on each committee were reduced to thirty-five. These thirty-five members, however, proved too large a tribunal for judicial purposes. Members brought to the committee preconceived opinions; they proved consequently incapable of forming an impartial judgment on the matters referred to them; and the country saw with dismay that schemes of imperial importance were decided on corrupt motives, or on reasons of merely local significance.[2] In 1842 a more rational system was introduced. Competing lines were referred to a committee of five members, nominated by the committee of selection,[3] and from 1846 all private bills were referred to committees of five.

The expense attending private legislation was enormous. Rival schemes, in which the members of the committee were often directly interested, were keenly fought, and the unfortunate promoters were exposed to large and unnecessary expense. The promoters of the London and Birmingham Railway spent £72,000, the promoters

Extravagant speculations.

[1] *Parl. Papers*, 1839, vol. xiii. p. 102.

[2] *Hansard*, vol. lix. p. 680; *Parl. Papers*, 1837, vol. xiii. p. 295; and cf. *Parl. Papers*, 1840, vol. xv. p. 209.

[3] *Hansard*, vol. lxxxiii. p. 750.

of the Great Western Railway £88,000,[1] in forcing their schemes through Parliament. The most frivolous grounds were commonly admitted as pretexts for opposition. The Eton masters, fearing that the boys would be contaminated by even the sight of a railway, proposed to screen the Great Western for four miles with walls ten feet high.[2] In 1836 schemes for new railways involving an outlay of £45,000,000 were laid before Parliament; and Graham seriously suggested that they should all be postponed for a year, and that an appeal should be made from the country drunk to the country sober.[3] The mania of the speculating public almost justified Graham's suggestion. Three different companies were promoting competing lines to Brighton alone; and, though it was obvious that only one of the three bills could be passed, the shares of all of the companies were quoted at a premium on the Stock Exchange.[4]

The House of Commons, of course, was not responsible for this extravagant speculation. All that it did was to increase the expenses of the speculators and to lessen their chances of success by imposing on them the necessity of costly and superfluous litigation. Speculation itself was perhaps the inevitable consequence of the period of torpid trade by which it had been preceded. Action and reaction seem, indeed, to be the universal rules of the moral, political, and economical world. The seven fat ears of corn, followed by the seven lean ears, might have been taken as typical of the economical history of any decade in the nineteenth century. The commercial paralysis which succeeded the commercial crisis of 1826 was followed in 1835 by renewed commercial activity. The revival of confidence was promoted by a great measure carried in the first years of its existence by a Reformed Parliament. In renewing its charter, the Legislature decided on terminating some of the exclusive privileges of the Bank of England. A convenient opportunity will occur, on a later

[1] *Hansard*, vol. xliii. p. 591. The expense was as great in other cases. See Porter's *Progress of the Nation*, p. 337.
[2] Ibid., vol. xxx. p. 1017.
[3] Ibid., vol. xxxi. p. 681.
[4] Ibid., p. 670.

page of this work, for considering this policy and its consequences. It is sufficient here to state that the termination of the privileges enjoyed by one bank naturally encouraged the formation of other banks. New establishments were everywhere promoted: old establishments multiplied their branches, and prudent persons felt alarm at the passion which was suddenly excited for enterprises of this description.

The formation of joint stock banks.

The new banks necessarily afforded many opportunities for the formation of speculative companies. They competed one against the other for business, and found that the propagation of fresh enterprises afforded them additional custom. Every newspaper contained long lists of projected companies; till, at last, in 1836, some 300 or 400 companies, representing an aggregate capital of £200,000,000,[1] were simultaneously endeavouring to place their shares on the market. There was, however, one distinction between the feverish speculation which characterised 1836, and the speculation which had preceded it in 1825. In the earlier year the companies which had competed for the investments of the public had usually been formed to promote foreign adventure. In the later period the public, gaining caution from a bitter experience, refused to invest its savings abroad; and the new companies were therefore designed to foster industry at home. This, however, was the only difference between the two periods. In both of them speculators transgressed the limits of common sense and common prudence. "The greater part of these companies," said Poulett Thomson in the House of Commons, "were got up by speculators for the purpose of selling their shares. They brought up the shares to a premium, and then sold them, leaving the unfortunate purchasers, who were foolish enough to vest their money in them, to shift for themselves."[2]

Startled by the growth of companies of every kind, and frightened at the liabilities which speculators had incurred, the

[1] The figures are given on the authority of Poulett Thomson. *Hansard*, vol. xxxiii. p. 688; cf. Tooke's *History of Prices*, vol. ii. p. 277.

[2] *Hansard*, vol. xxxiii. p. 688.

Legislature in 1837 consented to limit the liabilities of share-holders[1] in new undertakings; and, but for the efforts of Brougham, would have extended in 1838 the principle of limited liability to old companies.[2] Limited liability, however, was not introduced at all until the confidence, which the public had displayed, had been arrested by a new crisis. Over-speculation produced the usual result of a drain of bullion from the Bank of England. The directors of the Bank, alarmed at the increase in their liabilities and the decrease in their reserve, raised the rate of discount to $4\frac{1}{2}$ per cent. in July, and to 5 per cent. in August 1836. The advance did not check the crisis which was already imminent. In November a large Irish bank suspended payment. In December the Bank of England made a serious effort to sustain the credit of a bank in Manchester which was known to be in difficulties. Its decision postponed for a few months a crisis which was inevitable. Embarrassments in the American trade foreboded a collapse. The event came, and the Stock Exchange fell into panic. The closing days of the life of William IV. witnessed the disaster. The recovery was already beginning when the queen ascended her uncle's throne.[3]

The institution of limited liability.

The crisis of 1836.

The crisis made only a temporary mark on the trade of the country. The official value of the exports decreased from £84,883,276 in 1836 to £72,312,207 in 1837. But in 1838 the exports, measured by their official value, rose to £92,107,898. The improvement in the official values continued to take place, till at last, in 1842, the official value of the exports was placed at £99,911,012. The official value of the exports had thus risen in seven years from £84,883,276 to £99,911,012, or by more than £15,000,000. But in the same period the declared value of the exports had decreased from £52,940,838 to £47,012,651, or by £5,928,000. The

[1] 7 Will. IV. and 1 Vict. c. 73.

[2] The bill was thrown out in the Lords by twelve votes to ten. *Hansard*, vol. xliv. p. 1210.

[3] The crisis is minutely related in Tooke's *History of Prices*, vol. ii. p. 294 *et seq.*

official values are, of course, the test of quantity; the declared values, of value. The quantity of the exports had thus risen in six years by about 17 per cent.; and, notwithstanding this increase in quantity, the value had decreased by about 11 per cent.

An increase in the official, and a decrease in the declared, value of the exports was no novel thing in the history of the nation. A similar anomaly had been alarming superficial politicians ever since the battle of Waterloo. The decrease in the declared, or real, values had been attributed to the lower cost of the raw commodities of trade, and to the increased use of machinery in manufacture. Decline in prices. One of these causes had, however, lost its force in the first half of the period under review. The rapid fall in the price of the raw commodities of commerce which took place between 1815 and 1830 was not continued, while the value of the manufactured goods continued to decline with increasing rapidity, till at last, in 1842, a yard of cotton cloth did not fetch much more than one-half its price in 1830.[1] Much of this decrease was, no doubt, due to the ingenuity of inventors and the excellence of their improvements; but much of it unfortunately was also attributable to the continuous decrease of the wage-rate of the labouring classes. Official figures proved incontestably the growth of trade; and the people, notwithstanding the official figures, died of hunger in the towns of Lancashire.

There are probably few persons, who have not had occasion to study the records of the time, who have any notion of the misery into which the poor had fallen. A long apprentice-

[1] Cotton-wool (Bowed Georgia) in 1816 ranged from 1*s.* 3*d.* to 1*s.* 8*d.* a lb. It was only worth from 5¼*d.* to 7¾*d.* a lb. in 1830, and it was quoted at from 5½*d.* to 7½*d.* in 1841. Tooke's *History of Prices*, vol. ii. p. 401; and cf. vol. iv. p. 427. The official value of the cotton goods exported rose from £35,395,400 in 1830 to £56,428,629 in 1842; while the declared value in the same period fell from £15,203,713 to £13,898,663. *M'Culloch*, ad verb. "Cotton." The exports, in short, increased 60 per cent. in quantity, and fell about 10 per cent. in value. The real value of the manufactured goods therefore diminished by nearly one-half, while there was no diminution in the value of the raw material.

ship had indeed inured them to suffering; but the misery which they endured in 1816 and 1833 was as nothing compared with the protracted wretchedness which commenced in 1837 and continued to 1842. In 1839, 1,137,000 persons were in receipt of relief in England and Wales alone; in 1840 the pauper roll contained 1,199,000; in 1841, 1,299,000; and in 1842, 1,429,000 persons. The population of England and Wales amounted at that time to about 16,000,000: so that one person out of every eleven in the country was a pauper.[1] The poor, moreover, lived under conditions which would have made life with high wages horrible, and which made life with low wages intolerable. Collected in the vast manufacturing towns, they were crowded in courts and alleys; they swarmed in cellars which were neither ventilated nor drained. It was stated in 1837, on the authority of the Statistical Society of Manchester, that one-tenth of the population of Manchester and one-seventh of the population of Liverpool lived in cellars.[2] Horrible as these figures seem, there is reason to believe that the facts were understated. In the report on the condition of the handloom weavers, it was stated that 175,000 persons in Liverpool depended on labour; 86,400 of them lived in courts, and 38,000 in cellars.[3] Yet Liverpool, it was added, was better off than Glasgow. A Lancashire court was not a savoury habitation. Here is a description of one written by the wife of a Manchester clergyman:—"It was unpaved, and down the middle a gutter forced its way, every now and then forming pools in the holes with which the street abounded. Women from their doors tossed household slops of every description into the gutter; they ran into the next pool, which overflowed and stagnated." Steps from this filthy court led down to a small area, "where a person standing would have his head about one foot below the level of the street, and might at the same time, without the least motion

Distress of the working classes.

Their dwellings.

[1] These figures are given by Sir J. Graham in *Hansard*, vol. lxv. p. 367; and vol. lxvi. p. 1178.

[2] Ibid., vol. xxxix. p. 383; and cf. vol. li. p. 1226.

[3] *Parl. Papers*, 1841, vol. x. p. 352.

of his body, touch the window of the cellar and the damp muddy wall right opposite. You went down one step even from this foul area into the cellar, in which a family of human beings lived. It was very dark inside. The window-panes, many of them, were broken and stuffed with rags, which was reason enough for the dusky light that pervaded the place even at midday. The smell was so fœtid as almost to knock" the incomer down. The children lay on the "damp, nay wet, brick floor, through which the stagnant moisture of the street oozed up."[1] "In the very centre of Glasgow," wrote another authority, "there is an accumulated mass of squalid wretchedness which is probably unequalled in any other town in the British dominions. There is concentrated everything that is wretched, dissolute, loathsome, and pestilential. These places are filled by a population of many thousands of miserable creatures. The houses in which they live are unfit even for sties. . . . . In many there is scarcely any ventilation; dunghills lie in the vicinity of the dwellings; and, from the extremely defective sewerages, filth of every kind constantly accumulates."[2]

Distress, however, was not confined to the manufacturing districts. The conditions which were present in Liverpool and Glasgow were equally perceptible in London. Many of the London poor lived "in courts and alleys, in the immediate neighbourhood of uncovered sewers, of gutters full of putrified matter, nightmen's yards, and privies, the soil of which was openly exposed, and never or seldom removed."[3] In Bethnal Green houses were built every day, yet there was not a single sewer in the district.[4] "A large portion of Bethnal Green," so runs an official account of the matter, "is a swamp, hardly any part of which is drained. In rainy weather some entire streets are under water, and large collections of standing water cover (winter and summer) considerable spaces of ground."[5] "A miserable blind alley," so a London clergyman described

[1] *Mary Barton*, ch. vi.

[2] Captain Miller, the Superintendent of the Glasgow Police, quoted by Ashley in *Hansard*, vol. lxvii. p. 69.

[3] Ibid., vol. xcix. p. 434.

[4] Lord Kinnaird in ibid., vol. lxxxvii. p. 108.

[5] *Parl. Papers*, 1841, vol. x. p. 351.

a place in London, "where a dirty gas-lamp served to make darkness visible, and show the patched windows and rickety doorways of the crazy houses whose upper storeys were lost in a brooding cloud of fog; and the pools of stagnant water and the huge heaps of cinders which filled up the waste end of the alley—a dreary black formless mound, on which two or three spectral dogs prowled up and down after the offal, appearing and vanishing like dark imps in and out of the black misty chaos beyond. And what a room! A low lean-to, with wooden walls, without a single article of furniture; and, through the broad chinks of the floor, shone up, as it were, ugly glaring eyes, staring at us."[1] Occasionally miserable courts such as these, overcrowded with the living, were surrounded with graveyards overcrowded with the dead. Every sanitary law, every feeling of decency, was disregarded at the burials of the poor. On one occasion, in burying one dead body, the skulls of thirteen dead persons were turned up by the sexton.[2] In 1845 a chapel in the immediate neighbourhood of Lincoln's Inn was used as a schoolroom in the daytime and a dancing saloon at night, and in the cellars beneath this chapel 10,000 bodies had been interred in the seventeen years ending 1840, the burials were still continuing, and the old coffins were removed through a contiguous sewer to make room for new ones.[3]

Dead and living were crowded together in narrow areas. Dying and living were crowded together in miserable dwellings. It is on record that in one case seventeen persons were found living in a room five yards square; that in another case eight persons, two looms, and two beds were found in a cellar, six feet under ground, measuring four yards by five.[4] An inquiry was made in 1841 into the condition of some 1600 of the poor of Little Bolton. Out of the 1600, twenty-three had no bed to sleep in; eight slept in the same bed; forty-two

[1] *Alton Locke*, ch. xxxv.

[2] The statement rests on the authority of Bishop Blomfield. Ibid., vol. lvii. p. 1067.

[3] *Hansard*, vol. lxxix. p. 333.

[4] Ibid., vol. lviii. pp. 31, 32.

slept, seven in a bed, in six beds; seventy-eight slept, six in a bed, in thirteen beds; 185 slept, five in a bed, in thirty-seven beds; and 432 slept, four in a bed, in 108 beds.[1] In Rochdale, at the same time, five-sixths of the population had scarcely a blanket among them; eighty-five families had no blanket, and forty-six families had chaff beds with no covering at all.[2] In Paisley 15,000 persons were in a state of starvation, "with little or no clothing, and no bedding on which to lie."[3] "Chopped dirt," wrote the author of the "Poor Law Catechism," "the sweepings of a hen-house mingled with a proportion of sparrows' nests, would be the best representatives of what they (the poor of Bolton) huddle upon in corners."[4]

Overcrowding was not confined to the town poor. In many rural districts the landlords, frightened by the increase of the poor rates, refused to build new houses, and even pulled down their old cottages. The poor consequently swarmed in the remaining tenements in a manner which it is difficult to realise. In one parish in Dorsetshire, thirty-six persons dwelt on an average in each house. It was not uncommon for the occupants of adjacent houses to place all the males in one cottage and all the females in another. In another parish, a father, mother, a married daughter and her husband, a baby, a blind boy of sixteen, and two girls all occupied one room.[5]

The abject poverty of the poor.

The miserable condition of the poor was, of course, due to their poverty; and poverty was not partial, it was catholic. In Bolton, out of fifty mills, usually employing 8126 men, thirty were either standing idle or working half-time. The loss to the poor in wages amounted to £130,000 a year.[6] A succession of bad seasons, at the close of the reign of William IV., threw 160,000 persons in the western highlands and islands of Scotland out of work.[7] In 1841, it was officially stated that there were 800,000 persons

[1] *Hansard*, vol. lviii. p. 593.
[2] Ibid., vol. lix. p. 635.
[3] Ibid., vol. lx. p. 178.
[4] Prentice's *History of the Corn Law League*, vol. i. p. 271.
[5] *Hansard*, vol. lxxiii. pp. 882, 884.
[6] Ibid., vol. lviii. p. 31; vol. lx. pp. 247, 259.
[7] *Ann. Reg.*, 1837, Chron., p. 27.

dependent for their daily bread on handloom weaving;[1] and it had been proved that the weaver had to exist upon 2½*d.* a day.[2] Out of 10,000 persons in Manchester, whose circumstances were investigated in 1841, 2000 had only 1*s.* 2¼*d.* a week for each individual, 4000 had only 13½*d.* a week per head;[3] in Rochdale 508 persons were living on 1*s.* a week, 290 persons on 10*d.*, and 136 persons on 6*d.*, or on less than 1*d.* a day. In 1843, Carlyle wrote from Scotsbrig: "Wages yesterday at Lockerbie Fair were lower than any man ever saw them. A harvestman, coming hither for five weeks, is to have one sovereign. A weaker individual works through the same period for 15*s.* or 12*s.* 6*d.* according as he proves."[4]

Aggravated by the price of corn.

The story, so far as figures can tell it, is not yet complete. In 1835, the average price of wheat was only £1, 19*s.* 4*d.* the imperial bushel; it rose to £2, 8*s.* 6*d.* in 1836, to £2, 15*s.* 10*d.* in 1837, to £3, 4*s.* 7*d.* in 1838, to £3, 10*s.* 8*d.* in 1839, and it did not again fall below £3 a bushel till after the change of Government in 1841. A quarter of wheat is the average annual consumption of each member of that portion of the population which lives upon bread. A labouring man with a wife and three children would probably require annually five quarters of wheat. To such a man, therefore, a rise of price of 30*s.* a quarter was equivalent to an increased expenditure of £7, 10*s.* a year—or, if his wages were £1 a week, to an income-tax of 14 per cent.; if his wages were 10*s.* a week, to an income-tax of 28 per cent. It need hardly, therefore, be added that the poor suffered as much from the increased price of bread as from the reduced value of their labour. "Child, is thy father dead?" so ran the touching question of the poet of the poor—

> "Child, is thy father dead?—
> Father is gone:
> Why did they tax his bread?—
> God's will be done.—

[1] *Parl. Papers*, 1841, vol. x. p. 397.

[2] *Hansard*, vol. xxxviii. p. 1794; cf. Disraeli's account of Warner, a handloom weaver, in *Sybil*, ch. xiii.

[3] *Hansard*, vol. lix. p. 635.

[4] Carlyle's *Life in London*, vol. i. p. 319.

Mother has sold her bed,
Better to die than wed,
Where shall she lay her head?
Home she has none."

The expedients to which the poor were reduced for the sake of food almost exceed belief. The author of the "Poor Law Catechism" said that "pennyworths of mutton and halfpennyworths of bread cut off the loaf are what the shopkeepers of Bolton deal out to the inhabitants of their Jerusalem."[1] "I could tell you," so ran a letter from Johnstone, "of mothers dividing a farthing herring and a halfpennyworth of potatoes among a family of seven."[2] Such expedients seemed tolerable compared with others which were resorted to at the same time. Children fought each other in the streets for the offal which rich men do not allow their dogs to touch. A gentleman saw a labourer standing over his swill-tub, voraciously devouring the wash intended for the pigs. Twenty women begged a farmer to allow them to disinter the body of a cow, which he had buried thirty-six hours before as unfit for human food.[3] Starving men and women, or, worse still, men and women seeing their children starve before their eyes, readily seized the vilest substances which enabled them to protract for a few hours longer their miserable lives.

Disease was, of course, the inevitable result of dirt and hunger. Typhus continually decimated the poor. "In many parts of Bethnal Green and Whitechapel, fever of a malignant and fatal character is almost always prevalent. In some streets it has recently prevailed in almost every house; in some courts in every house; and, in some few instances, in every room in every house."[4] "The difference in salubrity between the London of the nineteenth century and the London of the seventeenth century," wrote a great historian in the same decade in which this

The prevalence of disease.

[1] Prentice's *History of the Corn Law League*, vol. i. p. 271.

[2] *Hansard*, vol. lix. p. 759.

[3] Ibid., vol. lviii. p. 595. There is a similar story in ibid., vol. lxiii. p. 26.

[4] Report on the Handloom Weavers, *Parl. Papers*, 1841, vol. x. p. 350.

report occurred, "is very far greater than the difference between London in an ordinary year and London in a year of cholera."[1] Macaulay was a Cabinet Minister at the time at which the Report on the Handloom Weavers was made; yet it does not seem to have occurred to him to extend his inquiries into the facts there disclosed. Had he done so, he would have found that the difference in salubrity between the London of the rich and the London of the poor, in his own time, was greater than the difference in salubrity between the London of the seventeenth century and the London of the nineteenth century. "The first annual report of the Registrar-General showed for the year 1838 a variation of mortality in different districts of the metropolis amounting to 100 per cent., nearly equal to that which exists between the most healthy and the least healthy portions of the world."[2]

The misery which the poor were everywhere enduring had undoubtedly been aggravated for the time by the Poor Law of 1834. Up to the passage of that Act, the poor had almost universally relied on the doles which had been paid to them by the Poor Law authorities. They had been kept in a state of miserable dependence; but they had, at any rate, avoided starvation. The termination of this system was necessary; but the consequences of its sudden termination were disastrous. A million pensioners were suddenly deprived of their pensions, and forced to depend on their own labour for their support. It was inevitable that many of them should sink under the change. The three despots of Somerset House, as the Poor Law Commissioners were called, would not listen to any appeal for mercy in passing from one system to another. The growth of the poor rate had been traced to outdoor relief; and they were determined that outdoor relief should cease in England. They made the common mistake of passing to one extreme in their anxiety to avoid another, and of precipitating a change for which the nation was hardly prepared.

The Poor Law, 1834.

[1] Macaulay's *History of England*, vol. i. p. 424

[2] *Parl. Papers*, 1841, vol. x. p. 350.

Unfortunately for the poor, moreover, the rigorous rules which were made by the Commissioners were rigorously carried out by local Dogberries. The poor, previously accustomed to the indulgences of a vicious system, were treated with almost incredible cruelty. The newspapers of the time, the debates in Parliament, even the literature of the period, teem with stories of unnecessary harshness to paupers. Old men, suddenly forced into the workhouse, were separated from their wives; mothers were separated from their infant children; sick men and women were forced to walk long distances for relief, and were allowed to faint, and in some cases to die, before the relief came. In many workhouses the diet was insufficient for the bare sustenance of life; the medical men complained that they could not obtain adequate food for their patients. These and similar stories repeated from mouth to mouth, and exaggerated in the repetition, produced a profound impression. A young clergyman increased this impression by publishing an account of the cruelties committed in a workhouse at Andover;[1] a great writer made a poor workhouse-boy the hero of one of his most pathetic stories. The disclosures of Lord Sidney Osborne and the sufferings of Oliver Twist increased the universal indignation; and Attwood declared in Parliament that the new Poor Law was more odious than any measure which had passed since the Norman Conquest.[2]

There were two features about the Poor Law of 1834 which should be recollected by any one who desires to understand the agitation against it. It was, in one sense, a permissive law; and it was a temporary law. The Poor Law Commissioners had the power of dividing the kingdom into unions, and, in this way, of practically extending the operations of the law. The Act was only passed in the first instance for five years; and if it had not been continued would have

[1] The Andover scandal excited attention for a long period. See *Hansard*, vol. lxxxiv. p. 625, for a debate on the almost incredible cruelties perpetrated there. Peel's Ministry experienced an embarrassing defeat, in connection with this scandal, in the middle of the Corn Law debate of 1846. Ibid., p. 676.

[2] Ibid., vol. xlix. p. 223.

terminated in 1839. Both circumstances encouraged agitation.

Agitation against it.

Any intimation of an intention to form a new union became the signal for disturbance. The Government had the mortification to find that they could only carry out the orders of the Commissioners by quartering troops on the disturbed districts.[1] Riots, moreover, were indirectly caused by the policy which the Commissioners pursued. The opponents of the Poor Law obtained a decision from the Court of Queen's Bench that the Commissioners could not legally introduce a board of guardians into a parish regulated by a private Act. The Commissioners evaded the decision by grouping parishes into unions, and by introducing boards of guardians into the unions.[2] Local gentlemen were not conciliated by discovering that the Commissioners had dexterously evaded the decision of the Courts. The agitation, which had led to riots in the country and to a lawsuit in Westminster Hall, was removed to Parliament. In 1837, 1838, and 1839, the table of the House of Commons was laden with petitions against the law. In 1837, Walter, the member for Berkshire and the proprietor of the *Times*, moved for a select committee to inquire into its policy. He was seconded by Fielden, the member for Oldham, who boldly demanded that the law should be repealed. Russell, alarmed at the prevalent clamour, did not venture to refuse the inquiry, and contented himself with limiting the terms of the reference.[3] The committee occupied two sessions with the task which had been entrusted to it, but it ultimately disappointed the expectations of its promoters. Instead of denouncing the law, it declared that it had improved the condition of the poor. Instead of blaming the Commissioners, it declared that they had acted with zeal, ability, and discrimination.[4] Fortified by this report, the Government ought to have proposed that the law should be made permanent. The weak Whig Ministry only ventured in 1839

[1] *Hansard*, vol. xxxix. p. 959.
[2] Ibid., vol. lvii. pp. 616, 619.
[3] Ibid., vol. xxxvi. p. 987.
[4] *Parl. Papers*, 1837–8, vol. xviii. p. 27; and *Ann. Reg.*, 1837, Hist., p. 141.

to suggest its continuance for another year. It adopted the same course in 1840.

No one was satisfied with this compromise. The opponents of the law disliked its annual continuance; the friends of the law disliked the periodical debates which its annual continuance necessitated. Walter declared that the workhouse test was a law of imprisonment for poverty; Phillpotts complained that the poor were excluded from their own parish churches on Sundays.[1] The Church thus used its influence to aggravate the irritation of the masses, and to enhance an agitation which it should have endeavoured to have allayed. Fortunately for posterity the great leaders of the Conservative party were wiser than Phillpotts and Walter. Wellington had the good sense to deprecate the agitation and to defend the Commissioners.[2] Peel had the wisdom to support his opponents; and even the author of "Sybil," denouncing the law in his romances, and voting against it in the House of Commons, had to confess that he had nothing to expect from the great Conservative leader.[3]

In the meanwhile, however, all parties saw the necessity of adopting some definite action. Those who desired to revert to the old system, as well as those who wished to adhere to the new, equally deplored the continuance of an agitation which was disturbing men's minds and increasing their animosity. The ministry accordingly decided to ask Parliament to continue the law for another ten years; and, in January 1841, Russell introduced a measure for the purpose.[4] The bill was read a second time on the 8th of February, and the opposition to it on that occasion was led by a man whose name has been already occasionally mentioned in these pages, and who was destined ultimately to fill a prominent place in the history of Britain. Benjamin Disraeli was the eldest son of Isaac Disraeli, a gentleman "descended from a line of Jewish merchants," whose father had sought a home in England in the middle of the eighteenth century. The elder

Mr. Disraeli.

[1] *Hansard*, vol. xxxv. p. 704; and vol. xxxviii. p. 1138.
[2] Ibid., vol. xlviii. p. 188.
[3] See for instance the conversation in *Sybil*, bk. ii. ch. i.
[4] *Hansard*, vol. lvi. p. 155.

Disraeli was perhaps the greatest literary collector that ever lived; his choicest work, "The Curiosities of Literature," is a commonplace book, but it is a commonplace book in which every entry displays infinite industry, and is illustrated with an admirable style. Nurtured in his father's library, to use his own striking phrase, the younger Disraeli grew up to manhood admirably furnished with the graceful information with which his father had charmed his readers, but profoundly ignorant of the economical sciences which modern statesmen almost exclusively associate with the name of knowledge.

Disraeli had inherited from his father an admiration of the Stuarts and a hatred of the Revolution, and had persuaded himself that England, instead of turning to the right in 1689, had definitely moved to the left. Inspired with these opinions, it was the object of his ambition to pare away the consequences of the Revolution: the only chance of doing so, he thought, was to found a monarchy on the support of the lower orders. A Tory in his strange desire to raise the influence of the Crown, a Democrat in his singular wish to use mere numbers to give an impulse to his policy, Disraeli agreed both with Tories and Democrats in hating the Whig Government of 1830. He thought that his detestation of the Whigs should secure him the support of extreme men of both political parties. He actually, in 1833, fought his first election armed with letters of recommendation from O'Connell and Hume; and in 1835 he was instilling some of his principles into Lyndhurst. If Disraeli, however, had confined himself to fighting unsuccessful election contests, or to writing political pamphlets, under the specious pretext of vindicating the Constitution, few persons would have been much the wiser for his eccentric opinions. He enforced attention to them by embodying them in a series of romances intended to illustrate the history of his country and educate his fellow-countrymen. From this point of view, "Tancred," "Sybil," and "Coningsby" deserve to be reckoned among the remarkable creations of the present century. They were romances designed to convert a nation to the views of an author.

It was said of Scott, with some approach to accuracy, that his history was romance and his romance history. It might have been said, with much more truth, of Disraeli that any one who liked his romances might read his speeches; but that he who cared for his opinions should study his romances. Disraeli lives, thinks, and speaks in his novels. Vivian Grey, Contarini Fleming, Egremont, and Coningsby are all the same person, moving in slightly different surroundings, but identified by the same opinions. There is only a difference of age between Vivian Grey and Coningsby. The one is Disraeli of twenty-two; the other, Disraeli of thirty-six. There is, indeed, one distinction between Vivian Grey and Coningsby which probably marks the author's perception of his own deficiency. Nurtured in the unhealthy atmosphere of his father's library, Vivian Grey is Disraeli as he was; trained amidst the healthy associations of a great public school Coningsby is the Disraeli which the author wished he had been.

The new Poor Law was odious to the young Tory Democrat, and Disraeli accordingly moved the rejection of the measure which Russell had introduced for continuing it for ten years. The second reading of the bill, however, was carried by a large majority.[1] But the opposition was subsequently renewed by other assailants. Peel persuaded Russell to limit its duration to five years. But even this concession did not moderate the violence of the attack: 527 petitions were presented against the bill; sixty-seven amendments to it crowded the notice paper of the House of Commons. Wakley, an intemperate Radical, roundly declared it an "odious, detested, and detestable law." The odious, detested, and detestable law, made slow progress. Beaten on other questions, however, the great Whig Ministry had to dissolve Parliament, and to leave to its successors the task of continuing the new Poor Law.[2]

The debate on the Poor Law.

Thus the Parliament of 1837 was dissolved, and the fate of the poor was still undecided. While the thousands of

[1] *Hansard*, vol. lvi. p. 451. [2] See ibid., vol. lvii. pp. 9, 400, 612.

unfortunates who were forced to apply for relief were dependent on a system threatened with extinction, the independent poor were painfully struggling to maintain their independence. Three successive bad seasons had limited the purchasing capacity of the agricultural classes;[1] and dearth at home and troubles abroad were preventing the revival of trade and reducing the rate of wages.[2]

Such was the condition of the poor in what was still called "merry England." But in parts of England special circumstances, still to be related, increased their unhappiness. Many manufacturers kept shops, and insisted on their workpeople dealing at their shops. The operative was required to spend a portion of his wages on the groceries or other articles which his master retailed to him. In some cases the workpeople were even compelled to receive their wages in the productions of the factory in which they were employed.[3] A manufacturer was convicted in 1841 of paying wages in cloth, for which he wished to charge his workman £2, and did charge him £1, 15*s.* a yard, while his wretched workman was only able to sell it at 11*s.* a yard.[4]

Truck.

It is probable that the system which had thus been introduced was originally suggested by philanthropic considerations. It might easily have occurred to benevolent individuals that they could eke out the scanty wages of their workpeople by establishing stores in the neighbourhood of a factory for the

[1] For the harvests of 1839, 1840, 1841, see Tooke's *History of Prices*, vol. iv. pp. 1–10.

[2] Women were making men's trousers at 6*d.* a pair, waistcoats at 4½*d.*, and shirts at 1½*d.* apiece. A master shoe-manufacturer, who employed from 100 to 200 hands, in 1812 paid his men from £2, 10*s.* to £3 per week, and women from 17*s.* 6*d.* to 18*s.* per week. For the same work he paid in 1841, 12*s.* 10*d.* and 3*s.* 9*d.* *Hansard*, vol. lx. p. 857.

[3] "The question is," said Nixon, in *Sybil*, "what is wages? I say 'taynt sugar, 'taynt tea, 'taynt bacon. I don't think 'tis candles; but of this I be sure, 'taynt waistcoats." Book iii. ch. i. Any one who will take the trouble to read Squire Autey's evidence in the Truck Report, *Parl. Papers*, 1842, vol. ix. p. 125, will see that, if Disraeli had no authority for the waistcoat, he had ample authority for the cloth.

[4] *Hansard*, vol. lxii. p. 841. Cf. Nixon's observation: "Sir, this here age wants a great deal, but what it principally wants is to have its wages paid in the current coin of the realm."

sale of the articles which the poor required at a lower price than that at which the local tradesman could sell them. The old name for barter was "truck," and these shops were commonly known as "truck shops." Long after truck had become illegal, and the term had fallen into disrepute, benevolent landlords, actuated by the kindliest feelings, established truck shops in their own villages. So long as work was abundant, and the demand for labour was as great as the supply of it, the truck shops did no harm, and in many cases probably did much good. But in the terrible distress which succeeded the great war, which recurred after the crisis of 1825, and which again prevailed, in a prolonged and unprecedented degree, after the accession of the queen, truck became a new source of oppression to the poor.

Truck, indeed, had been the subject of legislative interference. Parliament had, in theory, provided that every working-man should receive his wages in the current coin of the realm.[1] Such enactments were useless in a crisis in which the labour of an able-bodied man was a drug in the market. It was tacitly understood that the workman who stood out for his rights would be discharged from his employment. In defiance of the law, therefore, truck shops plied a profitable trade; and the noble remonstrance of Isaiah might have been applied to the British manufacturer: "What mean ye that ye beat my people to pieces, and grind the faces of the poor?"

Though, too, the efforts of Sadler and Ashley had introduced some decency into cotton factories, labour in many industries was still unregulated, and the child was at the mercy of its guardians or its master. The Act of 1833 had therefore produced only partial and imperfect results; and children were still employed on work which was beyond their strength, and which was frequently protracted for ten or twelve hours a day. The kindly feelings, however, which were gradually being fostered in England were opposed to the harsh treatment of little children, and in 1840 the Government introduced, and

[1] The Truck Act is 1 & 2 Will. IV. c. 37.

Parliament passed, a bill to prevent their employment in sweeping chimneys.[1] In the same year in which this humane measure received the sanction of the Legislature, Ashley obtained the appointment of a Commission on the employment of children in mines.[2] The chairmanship of the Commission was entrusted to a gentleman who is now best known for his "History of Prices." The reader who is only acquainted with the dry statistics of that work would never imagine that its author was also responsible for the most sensational Blue-book of the century. Yet in the commencement of 1842 the Commission issued a report which converted thousands of readers to the necessity of immediate legislation. It proved that, in most of the mineral districts, children began work at seven, and that in many districts they were frequently employed at six, five, or even four years of age. Girls, as well as boys, women, as well as men, worked underground. The mines were usually ill-drained and ill-ventilated. The children had consequently often to work in the wet; they were kept at work in any atmosphere in which a candle would not burn. The smallest children were employed as trappers, or in opening the traps in the seams through which the coal-laden carts passed. But women, boys, and girls were also engaged as hurriers, or in walking backwards and forwards pushing the carts themselves through the seams. Many of these seams were only 22 to 28 inches high, so that none but small children could pass through them. In some cases the child was made to push the car; in other cases children, and even women, were made to draw it by the girdle and chain. The girdle was a band placed round the waist of the hurrier. The chain passed between the drawer's legs, and chafed the wretched creature's thighs as he or she drew the load. Little children of seven worked for twelve hours a day, harnessed like beasts by the girdle and chain; but, unlike the happier beasts of burden, subjected to the task before their growth was complete and their strength mature. Mothers

Labour of women and children in mines.

[1] 3 & 4 Vict. c. 85. *Hansard*, vol. liii. p. 1092; and vol. lv. p. 433.
[2] *Hansard*, vol. lv. p. 1260.

worked at the same toil. They resumed their labours before their strength was restored, leaving their babies—if by some chance they were born alive—to die.

The things which were done in the pit were horrible. No constable dared to trust himself underground in the company of the miners; and even criminals flying from justice, who had not offended against the public opinion of the workmen, were occasionally received in the mine, and thus sheltered securely from the officers of the law. In such circumstances the lot of women working underground with men, the lot of children at the mercy of their masters or of the butties, hardly needs description. Boys and girls were kicked and beaten till the blood flew from them, or till their ribs were broken or their eyes knocked out. No horse in an overloaded coach, no donkey in a costermonger's barrow, few slaves the property of a West Indian planter, experienced the treatment which was the lot of many children—hurriers in mines.

Children, worked from almost their earliest infancy for ten or twelve hours a day, necessarily grew up ignorant of good, and hardened to suffering. Women, leaving their cottages to earn a pittance in a colliery, were forced to neglect the domestic duties which it has ever been women's chief province to perform. The young were thus converted into dangerous citizens; the women thus became bad mothers and bad wives; and children, crippled by hard premature labour, grew up, if they lived, to marry other cripples, and imprint on posterity the marks of their own wrongs. The only knowledge which these wretched people possessed was an acquaintance with immorality and crime. They were ignorant of the commonest facts about their own country. Many of them had never heard of London, had never heard of Ireland, had never heard of Scotland, had never heard of America. Many of them had never heard the name of Christ. The horrible creed of Tummas in "Sybil," which reads like a profane jest, is taken from the Second Report of the Children's Employment Commission. Many colliers had never heard the name of God except in an oath. Its use in this way was as

The ignorance of the working classes.

meaningless as the use of the unhappily common "bloody" is now to the gutter child.[1] The most elementary knowledge was denied to these unfortunate people. Not one boy in ten, not one grown person in fifty, could read. In the populous districts, indeed, there was no provision for teaching a boy who desired to learn. In the district round Oldham, where there was a population of 105,000 people, 90,000 of whom were dependent on wages, there was not a single public day-school.[2] It was calculated that in England and Wales 3,180,000 children required education; that 2,120,000 of them required education at the public expense; and that there were not 845,000 of these children receiving any sort of instruction.[3] The vast proportion of the population was growing up to manhood or womanhood without even an opportunity of acquiring the commonest elementary knowledge. Poverty was so general, ignorance was so great, that many persons were inclined to fold their hands and regard the evils with which the country was afflicted as irremediable. They were tempted to imitate the cry of despair which had been raised 2000 years before, and to say with the preacher, "That which is crooked cannot be made straight."

All men, however, were not content to fold their hands and let misery run its course. A crowd of counsellors, some wise and some unwise, had innumerable remedies for the diseases of society. Disraeli employed his powers of satire in ridiculing

[1] The facts about the employment of children are from the First Report of the Children's Employment Commissioners, *Parl. Papers*, 1842, vol. xv.; see especially pp. 9, 13, 24, 78, 79, 81, 82, 83, 84, 94, 106, 131, 132, 255. The Report is illustrated with drawings of women and children harnessed and at work; and the drawings made a profound impression on the people. The facts about the educational deficiencies are from the Second Report of the same Commission, *Parl. Papers*, 1843, vol. xiii. pp. 155, 156. Tummas's creed, "he believes in our Lord and Saviour, Pontius Pilate, . . . and in Moses, Goliath, and the rest of the Apostles," is evidently founded on Sub-commissioner Horne's report that he found children who believed that Pontius Pilate and Goliath were Apostles. Cf. *Sybil*, bk. iii. ch. iv.; and *Parl. Papers*, 1843, vol. xv. p. 578. "Bloody" is a corruption, of course, of the old Popish oath "By our Lady!"

[2] "And not a single medical charity." *Hansard*, vol. lxvii. p. 84.

[3] Lord Ashley, in ibid., p. 49.

some of the favourite specifics of the quack doctors. In "Sybil," Lady Deloraine proposes to ask the Radicals to dinner; Sir Vavasour Firebrace to reorganise his own order; Lord Marney relies on emigration; Nixon on the abolition of truck; Morley on association; and Devil's Dust on a good strike. In "Mary Barton," a nameless character wishes every member of Parliament to wear shirts of calico, and a poor widow even desires the repeal of the law which keeps "childer frae factory work." These suggestions, taken at random from works of fiction, were not much more foolish than the contradictory proposals which were seriously made by responsible people. The repeal of the Poor Laws, their arbitrary enforcement, increased protection, free trade, wars having extended commerce as their object, treaties of reciprocity, the prohibition of child labour, the allowing children to work, gold as a standard of value, silver as a standard of value, paper as a standard of value—these were some of the suggestions which were made by responsible legislators for alleviating a vast load of misery.

The remedies proposed.

While, however, quacks were suggesting their little nostrums, one man, who was not a quack, was undertaking a great experiment. The character of Robert Owen, the father of Socialism, is imperfectly understood by most persons. The strange opinions which he adopted during the latter half of his life, and which a careful reader of his works will probably ascribe to a deranged intellect, made his name a reproach and a byword to peers and prelates who might have been happy if they had accomplished one hundredth part of the good which Owen had effected. The errors which could be discovered in his later opinions thus obliterated the truths which he disseminated in his earlier career. Owen's life naturally divides itself into three portions. The first comprises the story of his personal success from his birth—a saddler's son in Montgomeryshire—to his becoming joint-proprietor of the New Lanark Mills. The second, which commenced in 1797 and terminated soon after Waterloo, embraces his career at New Lanark. The third began with

Robert Owen.

his publication in 1817 of a proposal for regenerating the world.

The rise of Owen, from the hour when, a boy of ten, he was apprenticed to a Stamford linendraper, to the period when, a man of twenty-six, he proceeded to New Lanark, is perhaps the most remarkable instance of personal success to be found in the English language. If Owen had only advanced Christianity with the vigour with which he advocated Socialism, and had defended property with the courage with which he assailed it, his story would have been in the hands of every British boy, and would have been as familiar as the legendary tale of Whittington, or the earlier struggles of Mr. Smiles's heroes. But it is with the experiment at New Lanark, and not with the early career of a successful tradesman, that this history is concerned. When Owen commenced his Scotch work in 1797, he found in New Lanark a population which did not materially differ from that of other manufacturing towns. Some 1300 grown persons, and some 400 or 500 pauper children, were collected round the factory, passing their dull hours of work within its walls, and occupying their leisure with the vicious amusements which were the only relaxations of the uneducated poor eighty years ago. A population of this character was usually regarded as a mob, to be kept in order by terror. The strap was in constant readiness to descend on the shoulders of the child; the gallows were ever dangling before the eyes of the man. Owen, as wise as he was humane, saw that his unfortunate workpeople were the victims of the vicious circumstances which surrounded them, and that Society was alone responsible for their vicious natures. "Instead of tormenting the individuals — imprisoning and transporting some, hanging others, and keeping the population in a state of constant irrational excitement," he resolved "to change these evil conditions for good ones; and thus, in the due order of nature, according to its unchanging laws, to supersede the inferior and bad characters, created by inferior and bad conditions,

by superior and good characters to be created by superior and good conditions."[1]

The superior and good conditions which Owen hoped would lead to the formation of superior and good characters were eminently practical. He established an infant school. From the earliest ages the children were to be surrounded by pleasing associations; and dancing and singing were to be two of the accomplishments in which every child was to be regularly trained. Education was thus to be the root and foundation of his whole system. But he did not rely on education alone. He established a public register of the conduct of every one of his workpeople. He founded what would now be called co-operative stores for the sale of the best commodities at cost price; and, pushing the principle of co-operation still further, he instituted in 1819 a public kitchen available for every one connected with the factory. A self-denying liberality won the confidence of his workpeople. In 1806, when America temporarily placed an embargo on cotton, he stopped his mills, but continued the payment of his workmen's wages. Soon afterwards he reconstituted the New Lanark Company on the principle that all the profits, after the payment of 5 per cent. on the capital embarked in it, should be freely expended on the education of the children and improvement of the people.[2]

[1] Owen's own words, *Autobiography*, p. 58. It is sad to reflect that Carlyle as late as 1866 could write of Robert Owen in 1817 as "the then incipient archgomeril, 'model school,' and thought it and him a thing of wind not worth considering farther." Carlyle's *Reminiscences*, vol. i. p. 132. This statement follows the account on p. 130 of Fulton and Bell launching "an actual packet steamer" on the Hudson. Surely his editor might have suppressed, or at least disowned, such a verdict, and corrected such an inaccuracy.

[2] *Autobiography*, pp. 63, 64, 80, 84, 97; cf. Booth's *Robert Owen*, p. 39. Oberlin, a good Frenchman, was, I believe, the first individual who opened an infant school. Owen was the originator of infant schools in Great Britain. Ibid., p. 50; and cf. *Hansard*, vol. lxxxviii. p. 274. Bulwer Lytton, while an undergraduate at Cambridge, visited New Lanark, and was moved to tears at the cleanliness of the children. But, in the same afternoon, an old woman, a true Scot, assured him that Owen was "a bad man, a vera bad man, has done a deal of mischief. The bairns turned out vera ill. They have never been taught *this*," and she laid her locked hands on the Bible. Lytton's *Life*, vol. i. p. 303. The old Scotchwoman was only anticipating the verdict of a society almost as intolerant as herself.

New Lanark, managed on these admirable principles, was a happy feature in an unhappy country. Peers and princes condescended to visit the manager, and to approve the experiment; and Owen naturally thought that plans which had succeeded in Lanarkshire must be applicable to other places. The country, emerging from war, was suffering from distress such as had never previously been experienced, and, amidst surrounding poverty, New Lanark continued to flourish. Was it not possible, so Owen argued, to extend the system which he had instituted in Scotland to the whole country? Before this time he had attempted authorship; he had acquired some acquaintance with public business. As an author, he had published four essays on the Formation of Character. As a statesman, he had prompted the Factory Act for which the first Sir Robert Peel is still remembered. More ambitious, or less judicious, he came forward in 1817 with a scheme for regenerating the world. The world's regeneration was to be effected by the construction of quadrangular villages, whose inmates were to be employed and educated by the public. "Committees," to quote the epigram of a great writer, "were to be established, in which everything was to be common except common sense." The children of each village were to sleep in the same dormitory, to be taught in the same school; their elders were to hold their property in common, to labour for the common good, and to be supported out of a common purse. Purses, however, were to be unnecessary appendages in the new Utopia. Association was to supersede competition; labour was to supersede money. Association, Owen fondly hoped, would remedy all the evils of mankind. She was the enchantress by whom misery could be expelled.[1]

The enterprise which Owen thus undertook would in any circumstances have been surrounded with impediments. But Owen, at the outset, voluntarily increased his difficulties tenfold by an unnecessary and irrelevant declaration. He came to London to spread the new evangel of association;

[1] For these opinions see Owen's *Autobiography*, pp. 107, 114, 154 *et seq.*; and cf. Booth's *Robert Owen*, pp. 73, 86, 95.

and, at the second meeting which he attended, he deliberately denounced the gross errors of all existing religions.[1] Society had looked askance at the new doctrine of Socialism; it found an excuse for condemning it when its author attacked Christianity. Owen, separated in this way from the upper classes who might possibly have moderated his opinions, and gradually becoming more and more deranged in his mind, was carried forward by the force of the flood which he had himself set in motion, till he almost forgot his quadrangular villages, labour certificates, and communistic principles, in the zeal of his attack on religion, property, and marriage.[2]

With the masses of the people, however, Owen's principles did not suffer because he adopted the views of Godwin and Tom Paine. In the great centres of population many of the more intelligent working-men openly adopted Socialistic principles. Socialistic newspapers obtained a ready and increasing sale; Socialistic lecturers found large and enthusiastic audiences; and Owen, undeterred by reverses, unconscious of the decay of his own mind, continued to believe in the regeneration of the world. Association, indeed, was capable of mighty efforts. Associations were combining for common objects the great masses of the British people. The working classes had, at last, discovered that there was strength in union, weakness in isolation; and were accordingly combining. These combinations—Trades Unions, as they were called—primarily formed to influence the wage-rate, were soon applied to other objects; and one great association accordingly propagated Socialistic doctrines: another great association strove to obtain for the people the People's Charter.

Socialism and Chartism flourished, in 1840, side by side. Both were due to the same great cause—the misery of the people. Both of them aimed at the same high object—the amelioration of the people's lot. Whatever

The Chartists.

[1] *Autobiography*, p. 161.

[2] See *The New Moral World;* and cf. the debates on Owen in *Hansard*, vol. li. pp. 510, 1176. It was said of Owen, with some humour, that though he builds in parallelograms he argues in circles. Moore's *Memoirs*, vol. vi. p. 242.

excesses may have been committed under the two banners, whatever follies or crimes may have been perpetrated under their sanction, the cause of a suffering and prostrate people was—it should ever be recollected—the origin of both movements. Yet the two associations had widely different objects. The Socialist desired to improve the people's temporal lot. The Chartist thought that the first step towards the working-man's improvement was the working-man's enfranchisement. In 1832 the Legislature had enfranchised the middle classes. Since then legislation had undoubtedly been directed to the removal of many grievances of which the middle classes had complained. But the reformed Parliament had done nothing for the working-men. Nay, the reformed Parliament had deprived the working-men of the pension—called outdoor relief—which an unreformed Parliament had conferred upon them. The working-men, associated in their millions, were gradually learning that they were not a class, but a nation. They naturally concluded that if they were adequately represented in Parliament they would make the nation's laws. Poor, ignorant, uninstructed men, they had little or no idea of what laws were wanted. They saw that the ruling classes were prosperous, and that they were degraded; and they conjectured that they were degraded because they were ruled: that their betters prospered because they ruled them. Poor, ignorant, uninstructed men, after all they only shared the opinions of Herr Teufelsdröckh: "Man is a tool-using animal." "He digs up certain black stones from the bosom of the earth, and says to them, 'Transport me and this luggage at the rate of thirty-five miles an hour,' and they do it; he collects, apparently by lot, six hundred and fifty-eight miscellaneous individuals, and says to them, 'Make this nation toil for us, bleed for us, hunger and sorrow and sin for us, and they do it.'"[1]

The history of Chartism.

Chartism, in the sense in which the term is now used, had its origin in the closing years of the eighteenth century. Tom Paine and Horne Tooke were its apostles, the corresponding society was its central organisation,

[1] *Sartor Resartus*, p. 40.

and Grey was its ablest parliamentary exponent. But the movement languished amidst the reaction which resulted from revolutionary excesses in France; and it was not till 1817 that it regained its vigour. Regenerated amidst the terrible distress which afflicted the poor, the working classes then assembled in Hampden and Spencean Clubs. Hunt was their orator out of doors, Burdett their spokesman in Parliament. Manhood suffrage, vote by ballot, annual Parliaments, the abolition of the property qualification for members of Parliament, and paid representatives in the House of Commons, were the five objects at which they aimed.[1] The movement, which thus commenced, continued till after 1832. It prospered when times were bad; it languished when brisk trade made the labourer contented. But it was temporarily destroyed by the Reform Act of the Whig Government. None of the five points indeed had been conceded by the Legislature. But the measure which had been passed was so unexpectedly broad that it satisfied the appetite of keen reformers. Burdett became a Tory county member; Bamford, who had been a martyr in 1817, published an autobiography with a Conservative epilogue; Cobbett and Hunt passed away; and the people, seeing wide reforms attempted, and professing unbounded faith in the new Legislature, awaited, with patience, the consummation of their expectations.

Things remained in this condition till after 1837. The period of distress which commenced in that year resuscitated an almost extinct agitation. In the intervening period a few men had clung to some at any rate of the principles of the Hampden clubs. Grote, in particular, had constantly brought forward motions for the ballot.[2] But though the ballot obtained a competent advocate, though motions for its adoption were in many cases supported by considerable minorities,

1 See *ante*, vol. i. p. 352.

2 The motion was defeated in 1833 by 211 votes to 106 (*Hansard*, vol. xvii. p. 667). In 1835 by 317 votes to 144 (ibid., vol. xxviii. p. 471). In 1836 by 139 votes to 88 (ibid., vol. xxxiv. p. 837). In 1837 by 265 votes to 153 (ibid., vol. xxxvii. p. 67). In 1838 by 315 votes to 198 (ibid., vol. xl. p. 1221); and in 1839 by 333 votes to 216 (ibid., vol. xlviii. p. 504).

every one knew that no practical results would ensue from these discussions. A motion made in 1833 for shortening the duration of Parliaments met with a similar fate.[1] The Conservatives under Peel were arrayed in defence of law and order; the Whigs under Russell were at rest and were thankful; and the Radicals saw that the political changes which it was their first object to secure were becoming more and more difficult of attainment. The working classes again met together for the purpose of endeavouring to concert some measures for the improvement of their prospects. Political reforms were again suggested as a possible remedy for social disorders. The old programme of 1817 was embodied in a document which became famous as the People's Charter, and the people thus became possessed both of a creed and a name. Their creed was contained in five articles of faith, their name was derived from the Charter in which the five articles were comprised.[2]

Throughout the whole of 1838 the Chartists were gradually acquiring cohesion and power. Every addition to the price of corn, every reduction in the wage-rate, every new name added to the roll of paupers, increased the authority and influence of the leaders of the movement. Towards the close of 1838 some of the more earnest among them busied themselves in assembling monster meetings to promote the success of their cause. The Tories, alarmed at the prospect of a new agitation, desired the ministry to suppress these assemblies. Russell, instead of doing so, publicly declared at Liverpool in October that the people had a right to meet, had a right to free discussion.[3] It is not always

Its progress after 1838.

[1] It was rejected by 213 votes to 164. *Hansard*, vol. xix. p. 1150.

[2] The Charter was agreed to at the British Coffee-house. Ibid., vol. li. p. 1223. There is no authority for the account of the origin of the Charter given by Mr. Molesworth, vol. ii. p. 309, which has been accepted as authentic by so usually a trustworthy authority as the *Encyclopædia Britannica*. That account is founded on a debate in the House of Commons supposed to have taken place in the spring of 1838. But the debate, which Mr. Molesworth inaccurately reports as occurring in 1838, only took place in the spring of 1839, *i.e.*, *after* and not *before* the adoption of the Charter.

[3] The speech was made on the 3rd of October. It was quoted by Peel in the debate on the Address in 1839. *Hansard*, vol. xlv. p. 108; *Ann. Reg.* 1839, Hist., p. 20; and cf. Life of Russell, vol. i. p. 341.

wise in responsible ministers to utter undoubted truisms of this character. Russell's declaration in October was followed by a great demonstration in November, at which 200,000 persons were supposed to be present. The gathering took place on a large open tract of country known as Kersal Moor; Fielden, the member for Oldham, presided over the meeting; Stephens, a man who had begun life as a Dissenting minister, was the chief spokesman; and resolutions were passed authorising Fielden as chairman to prepare petitions to both Houses of Parliament for the success of the Charter. These petitions were ultimately presented by Fielden in the Commons and by Stanhope in the Lords. Such names ought to have convinced most people of the nature of the movement which was assuming such vast proportions. Fielden, the colleague of Cobbett, and Stanhope, a Tory peer, had few things in common. The link which bound them one to the other was their common hatred of the new Poor Law.[1]

The meeting acquired notoriety from the language which was used by its chief spokesman. Stephens began prudently enough by declaring that the question of universal suffrage was a knife-and-fork question. The principle of the People's Charter was the right of "every free man that breathed God's free air or trod God's free earth" to have a happy home. To enforce this principle was the object of the monster gathering. They had come unarmed; but three out of every four would have come armed if the constables and boroughmen of Manchester had not declared that they had placed the fullest confidence in the peaceable and loyal character of the demonstration. "If they had not made that declaration," said Stephens, "I should have brought 10,000 armed men with me. I should have exhorted every man capable of bearing arms to flock to this standard, and under it to fight the battles of the Constitution."[2] The free discussion, to which Russell, the month before, had declared that the people had a right,

[1] For the presentation of Stanhope's petition, *Hansard*, vol. xlviii. p. 799. Stephens, like Stanhope, it may be added, was more than half a Tory. See Holyoake's *Life of Stephens;* and cf. Frost's *Recollections*, p. 114.

[2] *Ann. Reg.*, 1838, Hist., p. 311.

was obviously capable of an inconvenient construction. A few days afterwards Stephens used still more inflammatory language at a torchlight meeting at Leigh in Cheshire. He advised the people to arm themselves, and to have pikes and guns over their chimney-pieces. They should approach any factories which were the object of their attack with a dagger in one hand and a torch in the other.

It was impossible for any Government to tolerate incendiary language of this description. Stephens was arrested on the 27th of December, and committed for trial;[1] but his actual trial did not take place till the following August, and the sentence of eighteen months' imprisonment, which was then inflicted on him,[2] was not in time to warn other Chartists of the consequences of their proceedings. When Parliament met in February 1839, the Chartists were displaying increased activity. Delegates from the large manufacturing towns were summoned to a National Convention in London; and the assembly of the Imperial Parliament was thus accompanied with the assembly of what was called a People's Parliament. Chartist newspapers were set on foot in many large towns to explain the principle of the movement; and the chief of them, the *Northern Star*, obtained a circulation of 50,000 copies. The *Northern Star* was the property of Feargus O'Connor, an Irishman, who claimed descent from the kings of Ireland, and who was nephew of Arthur O'Connor, a leader of the United Irishmen at the close of the previous century.[3] O'Connor himself was gradually becoming the leader of the new movement; but Lovett, an intelligent artisan, the secretary to the Working Men's Association; Vincent, a compositor, who displayed a good deal of oratorical power; and Ernest Jones, a republican barrister, on the staff of the *Northern Star*, supplied it with brains.

The Chartist leaders.

The upper classes were seriously alarmed at the strength of the organisation with which they were thus confronted. Hot

[1] *Ann. Reg.*, 1838, Chron., p. 168.

[2] Ibid., 1839, Chron., p. 147; and cf. Holyoake's *Life of Stephens*, p. 141 *et seq.*

[3] There is a good notice of O'Connor in Frost's *Recollections*, p. 169 *et seq.*

Tories, sighing for one hour of Sidmouth and Castlereagh, attributed the growth of the movement to the encouragement which Russell had given to monster meetings.[1] The ministry, however, declined to resort to repressive legislation for the maintenance of order, and had the courage to rely on the efficacy of the law and on the good sense and right disposition of the people.[2] For the first few months of 1839 their confidence seemed justified. The National Convention was busily preparing a monster petition to the House of Commons. The working classes, starving in their miserable cellars, were expecting immense results from this petition. It was presented. Instead of the respectful consideration which its promoters anticipated for it, the House regarded it with mere dislike. One member had the audacity to call it a "ridiculous piece of machinery." Even Disraeli, though he spoke in the debate, abstained from expressing the "immortal truths" which, attributed by him on the occasion to an Egremont, drew tears from a Sybil;[3] and the House refused by a large majority to take the petition into consideration.

The petition rejected.

Such disappointment as the working-men then experienced had, perhaps, never before been felt by any people. "It's not to be forgotten, or forgiven either, by me or many another," so Mrs. Gaskell made John Barton speak of it. "As long as I live, I shall curse them as so cruelly refused to hear us; but I'll not speak of it no more."[4] Many working-men sunk into a condition of sullen despair. Other Chartists, seeing that they had nothing to expect from peaceful agitation, openly desired to resort to force; and riots, attended with more or less disorder, occurred at Newcastle, Sheffield, Bolton, Llanidloes, Devizes, and other places. Local disorders, however, of this kind were soon suppressed; and the attention of the public was concentrated on the ominous assemblies of working-men

[1] See, for instance, Lyndhurst's speech in *Hansard*, vol. xlix. p. 455.

[2] See the Queen's Speech in 1839. Ibid., vol. xlv. pp. 5, 6.

[3] Cf. ibid., vol. xlix. p. 246; and *Sybil*, bk. v. ch. i. For the "ridiculous piece of machinery" see *Hansard*, vol. xlviii. p. 226.

[4] *Mary Barton*, ch. ix.

which were taking place night after night in the Bull Ring at Birmingham. On the advice of Attwood, who had taken charge of the Great Petition, the National Convention had removed its sittings to that town. The Chartists naturally rallied round their delegates; and the borough magistrates, who had just entered on their duties,[1] were seriously alarmed at the menacing aspect of the population. The mayor applied for help to Russell; and Russell sent one hundred members of the London police to Birmingham.[2] The mayor, reinforced by these steady men, called upon the populace to disperse; and, on their refusing to do so, charged the monument, in the centre of the Bull Ring, which formed the platform of the meeting, and succeeded in capturing it. The people, though temporarily shrinking before the attack of an organised body, recovered their courage when they counted the number of their opponents. The police were in their turn assailed, and severely handled. Fortunately a regiment of dragoons, held in readiness for the occasion, advanced in time to render the constabulary effective support. The people scattered before the approach of the military. Some of the leading delegates, Lovett among the number, were immediately afterwards arrested, and order was restored.[3]

The riot in the Bull Ring at Birmingham.

Awed by the presence of troops and police, the people were quiet. But the order which is maintained by force is like the calm which precedes the storm. For nine days the political atmosphere was lowering but still. On the tenth day, the people flocked to an open space in Birmingham to listen to a speech that it was expected that Attwood would make to them. Attwood never came, and the people resolved on parading the town. Arrived before the police office they broke the windows. A detachment of police inside the building had been forbidden to act without orders. By some extraordinary oversight no competent person was present to give them instructions. The populace, imagining that the passive attitude

[1] The unfortunate magistrates seem only to have received their commission in the preceding January. *Hansard*, vol. xlix. p. 589.

[2] Ibid., p. 86.

[3] *Ann. Reg.*, 1839, Hist., p. 305.

of the police was due to fear, renewed the attack. House after house, shop after shop, was sacked, and Birmingham bore the aspect of a town taken by storm.[1]

The riot was ultimately quelled by the approach of the military. But the fears which the riot had naturally caused could not be allayed with equal ease. Even at the end of July the ministry felt that Parliament could not separate without devising some means for preventing fresh outrages. London police, maintained at the expense of London rate-payers, could not be permanently spared from London for the centres of disaffection; and there was no district in which it was not possible that disturbances might arise. "If they looked to the towns," said Attwood, "nine out of every ten men were Chartists! If they looked to the country, nine out of every ten men were rick-burners!"[2] In the presence of an overwhelming force of Chartists and rick-burners, the ministry concluded that it was necessary to increase both constabulary and troops. Seven thousand men were added to the army. Bills were introduced and hurried through Parliament authorising the constitution of constabulary forces in Manchester and Birmingham; and finally a measure was adopted empowering the magistrates in any county to establish a local police. The measures which were thus introduced were not passed without debate. Attwood roundly declared that Russell was trying to govern by force, and predicted his failure—"It was easy to put down a mob, but it was not easy to put down a nation;"[3] and Disraeli, more zealous than even Attwood, declared that the ministry was commencing civil war. Panic-stricken by the riot in the Bull Ring, Whigs and Tories supported Russell. Only two members accompanied Disraeli into the lobby to throw out the Birmingham Police Bill; and Fox Maule, the Under-Secretary of State for the Home Department, told the

[1] It was of this riot that Wellington said, "I have been in many towns taken by storm, but never have such outrages occurred in them as were committed last night in Birmingham. *Hansard*, vol. xlix. p. 374. It is a remarkable proof of the prevailing panic that the Duke should have given such an opinion on the reports which he had read in the newspapers.

[2] Ibid. p. 949. [3] Ibid. p. 1168.

future leader of the Tory party that by his vote he had become "the advocate of riot and confusion."[1]

Without suspending the Habeas Corpus Act, without resorting to exceptional legislation, by simply relying on the ordinary laws, and increasing the force at the disposal of the authorities, the Whig Government was dealing with the most formidable organisation of the century. But its courage was justified by its success. In August, Vincent was tried at Monmouth for sedition, Lovett at Warwick for issuing a seditious libel; and Vincent and Lovett were both sentenced to twelve months' imprisonment. Many other prominent Chartists were convicted of sedition about the same time.[2] O'Connor himself was arrested in Manchester in September, the National Convention was dissolved,[3] and the great mass of the Chartists, discouraged at the loss of their leaders, and unable to act alone, relapsed into the miserable condition of torpid despair, the normal lot of English poor only a little more than forty years ago.

Chartism checked.

A few Chartists, however, still clung to the ideas in which the movement had originated, and thought that, if the working classes could only be induced to rise, the force of numbers

[1] *Hansard*, vol. xlix. pp. 694, 734. In proposing the Local Police Bill, Russell, accurately enough, called it a purely permissive measure. Disraeli said he "did not know where the noble Lord got the soft epithet; it was not English." Ibid., vol. l. p. 117. If he had referred only to his *Johnson* he would have found that the word was used in the same sense by Shakespeare, Milton, and Bacon. The army was increased by raising the strength of each infantry regiment from 739 to 800 men. The scheme is explained in *Hansard*, vol. xlix. pp. 629, 1148. The corporation of Birmingham and Manchester had no power under their charters to raise a police rate; and Russell accordingly proposed to advance the town of Birmingham £10,000 for the purpose, to be repaid out of the rate which he authorised them by a new statute to raise. On Peel's advice the measure was recast, and the new force, instead of being placed under the corporation, was placed under commissioners. For these debates, ibid., pp. 698, 956, 1193; vol. l. pp. 140, 149, 154. Up to 1839 there was no local police except the force which had been established under private Acts. The Act of 1839 enabled the magistrates of any county to establish a local force. Ibid., vol. xlix. p. 727. The present constabulary forces, except those in London, may be said to date from the Chartist riots of 1839. But the Police Act remained a "permissive" measure till 1856.

[2] These trials will be found in *Ann. Reg.*, 1839, Chron., pp. 128, 129, 178 *et seq.*

[3] Ibid., p. 170.

must ensure them a victory. A single victory at any one place would, it was concluded, be rapidly followed by other risings elsewhere. The town of Newport in South Wales was supposed to be favourably situated for such an outbreak. It commanded the direct road from Wales to London; it was in easy communication with a large mining and manufacturing population; it was held by only a small force of soldiers; and it was the usual residence of John Frost, a Chartist leader, who had been made a borough magistrate under the Corporation Act of 1835, but who had been removed by Russell from the commission for seditious language at local meetings.[1] Frost arranged with the Chartists of Pontypool, Risca, and other places in the neighbourhood, that they should assemble upon Sunday, the 3rd of November, march upon Newport, and seize the town. The Chartists were to be organised in three divisions. Frost himself was to command the first division; Jones, a watchmaker of Pontypool, the second division; Williams, a beershop keeper of Nant-y-glo, the third division; and the three divisions were to converge upon Newport at two o'clock on the Monday morning. The night, however, proved stormy. The cold rain chilled the men's spirits; the deep mud delayed their movements. The men of Nant-y-glo arrived late; the men of Pontypool never arrived at all. The blow, which was to have been struck in the dead of the night, was in this way delayed till ten o'clock in the morning; and the authorities, instead of being surprised, were able to make the necessary preparations. Two roads are available for any person coming from Risca to Newport; but both roads converge near a building which still stands, the Westgate Hotel.[2] The rioters could not avoid passing the building; and the authorities accordingly decided on making it their head-quarters. Phillips, the mayor of the town, threw a small force of troops and special constables into the hotel. The

The march upon Newport.

[1] The correspondence between Russell and Frost is reprinted in *Ann. Reg.*, 1839, Chron., p. 22. Cf. *Hansard*, vol. xlv. p. 220; and vol. li. p. 657.

[2] I understand that the hotel has been pulled down since this passage was written.

Chartists formed up before it, and commenced firing into the windows. The mayor, with commendable courage, read the Riot Act while the bullets were whistling around him; and then, and only then, ordered the soldiers to fire. Their shots took terrible effect on the dense mass of human beings crowded before the hotel. Twenty Chartists were shot dead, many others were wounded, and the remainder were driven back in disorder. Their retreat gave the little garrison of the hotel leisure to examine their own losses; and they then discovered that the mayor, who had behaved with such coolness and gallantry, was unfortunately wounded.[1]

The failure of the attack on the Westgate Hotel terminated the Chartist movement in 1839. Frost, tried under a special commission at Monmouth, was found guilty of levying war against the queen. Williams and Jones were found guilty of the same offence; and on the 16th of January the three prisoners were sentenced to the punishment which the law still awarded to high treason. The sentence was memorable for two reasons. In the first place, no persons have since been convicted of high treason in Great Britain; and, in the next place, the brutal sentence which the judges were compelled to pronounce on the occasion of their conviction can, happily, never again be heard on British soil.

The trial of Frost.

If the trial be worth remembrance from these two circumstances, it seemed at the time still more noteworthy from a technical objection to the proceedings. The Act of Anne, which regulated trials for high treason, directed that a list of the witnesses and of the jury should

[1] *Ann. Reg.*, 1839, Chron., p. 221; cf. ibid., 1840, Chron., p. 203. Phillips's wound was not serious, and, six years afterwards, Parliament seriously discussed whether he was wounded by a shot in the hand, or accidentally cut by a pane of glass. *Hansard*, vol. lxxxiv. p. 921. He was knighted for his conduct, and is the only mayor who, in modern times, has received that distinction for military services. On Greville's suggestion, he was invited, on the day of his knighthood, to dine with the queen at Windsor. *Greville Memoirs*, 2nd part, vol. i. p. 249, where there is a pleasant notice of his behaviour. One of the wooden columns in front of the Westgate Hotel was in 1881 still standing pierced by a bullet-hole—the only relic of Chartism which at that time remained in England.

be given to the party indicted, at the same time that the copy of the indictment was delivered to him, ten days before the trial.[1] By a stupid blunder, the indictment and the jury list were handed to the prisoners nineteen days, and a list of the witnesses fourteen days, before the day appointed for the trial. It could not be contended, therefore, that the list of witnesses was handed to the prisoners at the same time as the indictment; and it was, consequently, argued that none of the witnesses named in the list could be examined at the trial. Tindal, Chief-Justice of the Common Pleas, who presided at the trial, leant to the view that the objection was valid; but his brother judges were of a contrary opinion; and it was finally decided to reserve the question for the opinion of all the judges. The reference to Westminster Hall, however, only increased the dilemma. Nine judges out of fifteen were of opinion that the delivery of the list of witnesses was not a good delivery in point of law; but nine judges out of fifteen were also of opinion that the objection to the delivery was not taken in due time.[2] The conviction was therefore good. But the conviction was only good because the objection was made a little too late. The Government rightly concluded that it was impossible to carry out a frightful sentence, when its validity depended on a technical point on which Westminster Hall itself spoke with an uncertain utterance, and commuted the sentence for one of transportation for life.[3]

[1] 7 Anne, cap. 21, sec. ii.

[2] Warren, reviewing the Chief-Justice's conduct on this occasion, called it "the very model of judicial excellence." *Miscellanies*, vol. ii. p. 104. The article from which this extract is taken gives an excellent account of the technical difficulty referred to in the text. Campbell, on the contrary, who led for the Crown, declared that the Chief-Justice laboured for an acquittal. *Life of Campbell*, vol. ii. p. 127. Greville was of Campbell's opinion. *Memoirs*, 2nd part, vol. i. p. 256, and 260, note. See also *Ann. Reg.*, 1840, Chron., p. 10.

[3] Campbell takes credit for having "succeeded, against the opinion of several members of the Cabinet, in having the sentence commuted to transportation for life." *Lives of Lord Lyndhurst and Brougham*, p. 27. It may be added that in March 1840, Leader tried to obtain a free pardon for Frost and his associates, and was beaten by 53 votes to 5. The minority consisted of Disraeli, Duncombe, Fielden, Hector, and Wakley. *Hansard*, vol. lii. p. 1140. On the 25th of May 1841, Duncombe presented a petition, signed by 1,300,000 persons, praying for the liberation of the political prisoners, and for the recall

For three years after this trial, Socialism and Chartism—the two great movements which had agitated the country—gradually ceased to attract attention. Dejected by the punishment of their leaders, and convinced of their own impotence, the masses of the people relapsed into apathy, and the ruling classes congratulated themselves on the extinction of a flame which they had only temporarily smothered. But, though Chartism and Socialism ceased to attract attention, another association due to the same causes was gradually becoming a power in the State. The Socialist desired to promote the prosperity of the people by teaching them the value of co-operation. The Chartist wished to attain the same object by conferring the franchise upon them. The Anti-Corn Law League proposed to accomplish the same result by giving them cheap food.

The Corn Laws.

It is difficult to understand how reflecting persons could venture on defending the legislation which was originated in 1815. The country gentlemen, bent on maintaining rents by sustaining the price of corn, had persuaded a pliant minister to prohibit the importation of wheat when its price was below 80*s.* a quarter. They considered that £4 a quarter was a remunerative price, and they thought that they had secured this price for ever by enacting this law. The result proved that they had not secured it for three years. The Legislature, by naming a remunerative price for corn, induced every one to grow corn who could afford to produce it at a profit at the price at which the Legislature had fixed.[1]

of Frost, &c., from transportation. The House divided on the first part of his motion to give effect to the prayer, 58 to 58; and the Speaker gave his casting vote with the noes, on the ground that the motion interfered with the prerogative of the Crown. *Hansard*, vol. lviii. p. 764.

[1] It may perhaps be desirable to show how protection actually lowered the price of corn and wheat. The consumption of wheat in the United Kingdom rose from 8,580,000 quarters in 1814, to 15,000,000 quarters in 1842. The whole 8,580,000 quarters in the former, and about 13,700,000 quarters in the later year, consisted of home-grown wheat. According to some elaborate calculations of Lord G. Bentinck, the production of wheat per acre had risen from an average of 17 bushels ($2\frac{1}{8}$ quarters) in 1821, to 26 or 28 bushels (say $3\frac{3}{8}$ quarters) in 1842. Even assuming that the land did not increase in fertility from 1814 to 1821, some 4,000,000 acres would have been sufficient to produce

The law, therefore, which had destroyed the competition of the foreigner led to a vast increase in the growth of corn at home; and the price of wheat, instead of being maintained at 80*s*., gradually fell to 45*s*. in 1822. This experience ought to have taught both country gentlemen and Legislature that the law was based on an error in principle. Instead of doing so, it only satisfied them that it contained an error in detail. Forced to admit that they could not raise the price of wheat to 80*s*., they saw no reason why they should not endeavour to fix it at 70*s*. It was accordingly decided in 1822 that when the price of wheat rose to this sum foreign corn should be admitted. In one sense the law of 1822 was an improvement on the law of 1815. It diminished the bribe to the farmer by one-eighth. But it contained the old defect. It unduly promoted the growth of corn at home, and consequently lowered the price; and wheat never rose while the law continued in force to the price at which the Legislature had endeavoured to fix it. This circumstance made it as necessary in 1827 to alter the law of 1822, as it had proved in 1822 to alter the law of 1815. The discussion which then ensued, after nearly breaking up two Cabinets, resulted in the law of 1828. Under the Act of this year the duty on corn varied with its price; and the landowners were given—as it was thought—adequate protection by heavy duties when the price was low.

The Acts of 1815 and 1822,

8,500,000 quarters in 1814; and the same quantity of land would have produced 13,500,000 quarters in 1842. Lord George Bentinck's figures were founded on calculations made by Mr. Wakefield, Mr. M'Culloch, and Mr. McGregor. See *Hansard*, vol. lxxxiv. p. 336. Lord George Bentinck's calculations may be confirmed by comparing Arthur Young's calculations made at the close of the eighteenth century with Sir J. Caird's recent investigations. See *Encyclopædia Britannica*, vol. i. p. 358. It follows that the land which was required to grow the whole supply of wheat in 1818, was adequate to furnish the whole home supply of wheat in 1842. But in the interval something like 1,500,000 acres had been enclosed. Porter's *Progress of the Nation*, p. 154. If only one-fifth of this land was under wheat, it would have raised the total yield to upwards of 15,000,000 quarters—or to more wheat than the country required. In short, the Corn Laws, by proposing to maintain corn at a certain price, stimulated the enclosure of land and its improved cultivation. The supply of wheat, in consequence, overtook the demand; and its price, as a matter of course, fell.

The law of 1828 was not much more successful than the Acts of 1815 and 1822. The average price of wheat, indeed, rose to £3, 6*s.* 3*d.* in 1829; but it gradually fell to £1, 19*s.* 4*d.* in 1835. Six years' experience showed that a sliding scale was incapable of steadying the price or of securing adequate remuneration to the farmer. And the agriculturist found himself confronted with an opposition such as he had never previously encountered. In an unreformed Parliament, almost every member represented an agricultural constituency, or a patron who was a landowner. In the reformed Parliament the great towns who sent members to Westminster for the first time disliked the landed interest. Economists saw that a fixed duty on corn would produce more revenue than a sliding scale, and be free from some of the objections of the existing system. Early in 1834 Hume endeavoured to give expression to this belief. He was beaten by a majority of two to one; but the tone of the debate and the numbers at the division proved that the question had entered on a new phase. Even a reformed Parliament was unprepared to amend the Corn Laws; but it could not refuse to consider the propriety of amending them.[1] For a year or two after Hume's motion the question was not reopened. The Parliament which was elected at the close of 1834 under Peel's auspices was less inclined to interfere with the privileges of landowners than the first reformed House of Commons. It was not till 1837 that a motion was again made for the repeal of the Corn Laws. The agriculturists had no reason to be dissatisfied with the division. In 1834 they had secured a majority of two to one; in 1837 their majority increased to five to two. The true significance of the motion, however, arose from the circumstance that it was seconded by Mr. Villiers, the brother of Clarendon, a nobleman about to join the Whig Ministry; and that three members of the Government, Lord Howick, Poulett Thomson, and Morpeth, voted in its favour.[2]

and of 1828.

[1] *Hansard*, vol. xxi. pp. 1197–1262, and 1266–1345. Hume was beaten by 312 votes to 155.

[2] Ibid., vol. xxxvii. p. 562. The division was 223 to 89.

In the following year Mr. Villiers himself renewed the motion which had been made in 1837. But the House did not show much disposition to listen to him. It was gradually becoming plain that Parliament was reflecting the views of the electors, and that the education of the country must consequently precede the conversion of the Legislature. In 1836 a small association had been formed in London for advocating the repeal of the Corn Laws. In 1838 a similar association was formed in Manchester with the same object.[1] At one of its earliest meetings, the Manchester Association was joined by a young man, the son of a Sussex yeoman, who, commencing with no advantages, had become in a few years a successful tradesman. Nature had given him a sound mind, which study had matured and travel had enlarged. He had already published two pamphlets, in which he had endeavoured to arrest the progress of prevalent ideas. In them he had based the domestic policy of England on peace and retrenchment, and he had reprobated the panic fear of Russia which animated the Foreign Office. But he was already meditating a greater work than the publication of pamphlets on Peace and Russia. The Corn Laws were the visible monument of the political ascendency of the landed classes; they were interfering with the growth of trade. Impressed with these views this young man—well known afterwards as Richard Cobden—joined the Manchester Association. His untiring energy, his clear brain, and his ready tongue made him at once its commander and its prophet.

The Corn Law League.

Richard Cobden.

Under Cobden's guidance the Anti-Corn Law Association became the Anti-Corn Law League.[2] At Cobden's invitation the League was soon joined by another man, who became, after O'Connell's death, the greatest declaimer of his generation. John Bright, who, like Cobden, was a manufacturer, was five years younger than his friend and

John Bright.

[1] I have followed in the text the account given by Mr. Morley in *Life of Cobden*, vol. i. p. 143 *et seq.* A slightly different account was given by Stafford O'Brien in the House of Commons. *Hansard*, vol. lxxv. p. 1461. And O'Brien is endorsed by the *Quarterly Review*, vol. lxxi. p. 247.

[2] Prentice, *History of the Corn Law League*, vol. i. p. 115; and cf. Morley's *Cobden*, vol. i. p. 149.

leader. He was, perhaps, less able than Cobden to influence educated men; but he was much more capable of moving an ordinary audience. Instead of reasoning, he declaimed; and declamation has more effect than argument on the many. Ignorant of the dead languages, he had endeavoured to repair his deficiencies by a careful study of the great English classics. This study at once accounts for the vigour and the simplicity of his style. The orator who founds his eloquence on a study of Greek and Latin instinctively uses Greek and Latin words. The orator versed in Elizabethan and Cromwellian writers prefers the old English words which they used. He speaks a purer and a simpler English, and produces the effect attaching to pure and simple language.

With these two men as its leaders, the League commenced its great agitation. It undertook to convince the manufacturer that the Corn Laws were interfering with the growth of trade; to persuade the people that they were raising the price of food; to teach the agriculturist that they had not even the solitary merit of securing a fixed price for corn. These truths were circulated by the press and proclaimed at public meetings till hundreds of thousands of persons, who had hitherto believed in the Protectionist's creed, became gradually convinced of its errors, and accepted the doctrine of the League. A series of unfavourable seasons which reduced the supply, and raised the price, of wheat gave emphasis to its teachings. The change which was thus effected in opinion out of doors produced an immediate impression in the House of Commons. In 1838 Mr. Villiers with difficulty secured the support of 95 members for his motion. In 1839 he received the support of 172 members.[1] Encouraged by this success, he renewed the attack by moving for a Committee of the whole House on the Act of 1828. He was beaten by 342 votes to 195;[2] but the minority was the largest which he had as yet procured; and Russell, Palmerston,

Parliamentary motions.

[1] *Hansard*, vol. xlv. pp. 609–691.

[2] Ibid., vol. xlvi. pp. 333, 859. Graham, in this debate, delivered the remarkable opinion that if the Corn Laws were repealed this was the last country which he should wish to inhabit. Ibid., p. 695.

Spring Rice, Morpeth, Hobhouse, Lord Howick, Labouchere, Baring, George Grey, and Wood, all voted in the minority.[1]

Years passed before the League obtained equal parliamentary success. Though Mr. Villiers renewed his motion in 1840, he failed to obtain as effectual support as he had received in 1839; and Peel took occasion in the debate to declare liberal protection to domestic agriculture indispensable.[2] The agriculturists were elated at this declaration of a statesman who seemed on the point of securing power. They were not discouraged by the policy of the Whigs in the following year. No one gave the falling ministry any credit for proposing a fixed duty on corn. Protectionists rallied round Peel and contributed to his success at the polling-booths. Even the League, though it secured a seat for Cobden at Stockport, seemed powerless against a compact Conservative majority.

There are men, however, whose true worth is only proved in difficulty. The defeat of the Whigs roused Cobden to fresh efforts and the League to new exertions. In 1838 it had pledged itself to secure free trade in corn by all legal and constitutional means. In 1839 it issued the Anti-Corn Law Circular; and in 1840 it spent £5700 in distributing 160,000 copies of the circular, 150,000 pamphlets, and in delivering 400 lectures to 800,000 persons. But, after the defeat of the Whigs, it adopted stronger measures. Instead of appealing to the middle classes it decided on addressing the lower orders. The Anti-Corn Law Circular became the anti-bread tax circular. Bakers were persuaded to bake taxed and untaxed shilling loaves, and, on the purchaser choosing the larger loaf, to demand the tax for the landlord. The League had only spent £10,000

The exertions of the Corn Law League.

[1] While the debate was going on, Melbourne, speaking on a motion of Fitzwilliam's, declared before God that he considered leaving the whole agricultural interest without protection the wildest and maddest scheme that had ever entered into the imagination of man. *Ante*, p. 223. Hume, on seeing the division list, said that Melbourne's colleagues were absolutely worse than madmen. *Hansard*, vol. xlvi. p. 727.

[2] Peel's declaration is in ibid., vol. li. p. 1042.

on the agitation up to the autumn of 1841; it had expended £90,000 before the autumn of 1842.[1] In 1843 it collected £50,000; in 1844, £100,000; in 1845, £250,000, for the support of the agitation.[2]

Thus association was the distinguishing characteristic of the closing years of the Whig Ministry. The working classes were Socialists and Chartists; the middle classes were members of the Anti-Corn Law League. The same spirit, it will be seen from later chapters, animated other sections of the community. Religious men in England were associating to strengthen the Church; religious men in Scotland were associating to free the Scotch Church from State trammels. In Ireland, the people were organised in millions for the cause of temperance; they were associating in millions for the sake of repeal. These associations were regarded with distrust by regular politicians, who were, however, enrolling themselves in Conservative associations to promote the interests of their own political friends, and in agricultural societies to resist alterations in the Corn Law.[3] In their eyes a member of the Anti-Corn Law League was almost as dangerous as a Socialist or a Chartist. Like the Socialist and the Chartist he frequented meetings where "he was addressed by demagogues in dangerous and inflammatory language." Opinions such as these were fostered by the steps which were taken to suppress association in Ireland. "When some kinds of associations are prohibited and others allowed," wrote De Tocqueville, "it is difficult to distinguish the former from the latter beforehand. In this state of doubt men abstain from them altogether, and a sort of public opinion passes current which tends to cause any association whatsoever to be regarded as a bold and almost illicit enter-

Associations.

[1] *Quarterly Review*, vol. lxxi. pp. 247, 250, 265.

[2] Prentice's *History of the Corn Law League*, vol. ii. p. 268. It ought to be added that the institution of cheap postage facilitated the operations of the League. It was thenceforward able to distribute its circulars post free—the stamp on the circular covering the postage. Ibid., vol. i. p. 131.

[3] The Royal Agricultural Society was formed in 1838, and incorporated in 1840.

prise."[1] De Tocqueville's conclusion never received a better illustration than in 1841. The Conservatives who had supported their own leader in suppressing the Catholic Association in 1829, and who had supported their opponents in repressing the Chartists in 1839, clamoured in 1842 for the suppression of the Anti-Corn Law League.

Yet it must not be supposed that association was the only remedy suggested for the difficulties of 1842. The foremost thinkers of the age were gradually concluding that only two solutions were possible. "Two things, great things, dwell, for the last ten years, in all thinking heads in England, and are hovering, of late, even on the tongues of not a few," so wrote Carlyle in 1839. "Universal education is the first great thing we mean; general emigration is the second."[2] Yet the two remedies seemed impossible to statesmen and philanthropists. In each of the five years ending 1840, less than 68,000 persons on an average left the country.[3] The stream of emigrants was so small that it made little or no impression on the desolating ocean of pauperism which flooded the country. In the same period the Government determined to apply the sum of £30,000 a year to the education of the people. This little dole, reluctantly conceded, proved powerless to overtake the growing demand for schools, and the masses of the people grew up in ignorance of the simplest elementary knowledge.

Emigration and education.

Facilities, however, for emigration were being gradually extended. It has been already stated in this history that a steamer crossed the Atlantic in 1819. But the adventurous vessel only used her steam as auxiliary to her sails, and she spent twenty-five days on her voyage from Savannah to Liverpool. Her feat, therefore, proved little or nothing, and twenty years passed before the practicability of bridging the Atlantic with steam was satisfactorily demonstrated. Yet steam was

[1] *Democracy in America*, vol. ii. p. 107.

[2] *Miscellaneous Essays*, vol. v. p. 410.

[3] Porter's *Progress of the Nation*, p. 126. 139,000 persons emigrated from the United Kingdom in the ten years ending 1830; 672,000 persons in the ten years ending 1840.

perpetually winning fresh triumphs. In 1835, Hobhouse declared that the monsoon blew with such violence on the Red Sea that no steamer could be built large enough or strong enough to face it. Five years afterwards, the same minister acknowledged that steam, on the Red Sea, had shortened the journey to Bombay to thirty-eight days, and asked the House of Commons for £50,000 to improve the communication.[1] In 1837 the Irish Railway Commissioners were seriously debating the possibility of building a steamer which could cross the Atlantic.[2] "It was proved by fluxionary calculus that steamers could never get across from the farthest point of Ireland to the nearest of Newfoundland; impelling force, resisting force, maximum here, minimum there; by law of nature, and geometric demonstration;—what could be done? The *Great Western* could weigh anchor from Bristol Port; that could be done. The *Great Western*, bounding safe through the gullets of the Hudson, threw her cable out on the capstan of New York, and left our still moist paper demonstration to dry itself at leisure."[3] In plain English, while commissioners were speculating, engineers were winning a fresh victory over matter. In 1838 the *Great Western* sailed from Bristol to New York; in 1840, one Cunard, a name to be remembered afterwards, launched a steamer for Atlantic voyages. In 1842 the average duration of an Atlantic passage had been reduced to fifteen days.[4]

These inventions naturally increased the facilities for emigration. It was Stephenson's boast that he would make it cheaper for a working-man to travel by a railway than to walk. The spread of humanity. It is hardly an exaggeration to say that steam reduced the cost of an emigrant's passage from pounds to shillings;[5] and thus prepared the way for the mighty exodus

[1] *Hansard*, vol. xxx. p. 609; and vol. liii. p. 1331. Gibbon, in his account of Mecca, observes that the seasonable arrival of her caravans relieved the ships of India from the tedious and troublesome navigation of the Red Sea. *Gibbon*, vol. ix. p. 228. [2] *Parl. Papers*, 1837–8, vol. xxxv. p. 525.

[3] Carlyle's *Miscellaneous Essays*, vol. v. p. 408.

[4] *Hansard*, vol. lxiv. p. 727.

[5] The cost was estimated in 1827 at £20 a head. *Ante*, vol. iii. p. 325.

of the ensuing decade. But there was another impulse, even stronger than steam, which was slowly tending to improve the lot of the poor. The progress of human invention was seconded by the progress of human thought; and the mind of man, revolting against cruelty, was no longer inclined to tolerate cruelty to the poor.

An attempt was made, in the preceding volume, to trace the movement which abolished cruel punishments, which prohibited cruel sports, which forbade the infliction of cruelty on animals, and which subsequently led to the abolition of slavery and the passage of the Factory Act of 1833. Humanity did not rest from its labours after securing these triumphs. Slavery had, at length, been abolished in British dominions, but the slave trade was still conducted in foreign vessels. Every effort, however, which it was possible to exert was made by the British Government to stop the traffic: men-of-war were employed to search and intercept the traders; an expedition was fitted out at vast expense to form a settlement on the banks of the Niger; and treaties were constantly concluded with foreign nations, authorising the detention and search of suspected vessels. But these measures only led to very partial success. The men engaged in opening out the Niger died of fever, and the expedition was abandoned.[1] The slave ships constantly succeeded in evading the cruisers; and the crews of men-of-war suffered from the climate in which their service was performed. The slave trade continued to inflict such suffering on humanity as even, in another age, the Inquisition itself had not occasioned. From 120,000 to 150,000 slaves were annually landed in America. But these figures give only an imperfect idea of the misery which the trade produced. The slaves were originally torn from their homes by armed force. A village was surrounded at night, starved into submission, the youngest and oldest were killed, and the caravan formed from the remainder of the population. The unfortunate captives were driven barefooted from their homes to the coast. Hundreds

Slaves.

[1] An account of the expedition will be found in Buxton's *Life*, ch. xxx., xxxi.

fell exhausted by the way, those that survived the journey were subjected to the selection of the slave captain. It was stated that two slaves were torn from their homes for every slave which was accepted by the trader. The others died on the journey; or, too sickly to be worth keeping, were destroyed on the coast. One-third of the residue commonly succumbed to the horrible sufferings of the Atlantic voyage; and, for every 130,000 slaves landed in America, 400,000 were drawn from the interior of Africa.[1]

Such stories, published in this country, excited the pity of the people, and drove them to extraordinary exertions for suppressing the trade. The queen's husband pleaded the cause of the abolitionists in his first public speech.[2] The Tories secured protection for the West Indies on the pretext of excluding slave-grown sugar from the market; and wiser persons than Mrs. Jellyby speculated on the prospects of the "hundred and seventy families" who were to plant civilisation and free labour on the left bank of the Niger. The zeal of these people in the cause of the negroes tended, indeed, to create a reaction against them. Ebenezer Elliott denounced the false charity which sought objects for its exercise abroad, and neglected suffering at home, in one of his finest stanzas—

> "Their lofty souls have telescopic eyes,
> Which see the smallest speck of distant pain,
> While at their feet a world of agonies,
> Unseen, unheard, unheeded, writhes in vain;"

and Dickens, coining an epigram out of the stanza, described the "Borrioboola Gha" mission as telescopic philanthropy.

Africa, however, was not the only object which was exciting the sympathy of the humane. In 1824 Martin had persuaded the Legislature to prohibit cruelty to animals. In 1839 a Metropolitan Police Bill forbade the use of dogs for drawing carriages in the metropolis. The measure was not solely due to humanity. The poor man's dog-cart was occasionally in the way of the rich man's carriage;

Dogs.

[1] *Hansard*, vol. lxxvi. pp. 922, 924, 931.
[2] Martin's *Prince Consort*, vol. i. p. 87.

and the convenience of the upper classes was, therefore, promoted by a measure nominally passed for the prevention of cruelty. Fifteen years, indeed, elapsed before the Legislature thought it necessary to extend the law to the rest of the country, where the traffic was comparatively small. Some persons thought that there was not much more cruelty in compelling a dog to draw a burden than a horse or an ass; and that, if nature had not made the dog perspire at the tongue, and thus display an apparent distress which it did not feel, nothing would have been heard about the cruelty of so using it. Other persons reminded the Legislature that the dog was the poor man's horse, the frequent source of the poor man's livelihood, and that to prohibit its use was to increase the distress of the poor; while others again marvelled at the inconsistency of the Legislature in preventing the use of dogs in drawing carts in London,[1] before it stopped the employment of children in "hurrying" coal. Yet its conduct only illustrated the old adage, that the eye produces more impression than the ear on the brain. Every one could see the dog working in daylight in the streets of London; few persons saw the poor child working in the dark galleries of a coal mine; and protection was, in consequence, accorded to the one before it was extended to the other.

Humanity, however, the offspring of sensation rather than of reason, cannot be expected to be always consistent and wise; and the exertions which were made in the cause of slaves and dogs, at any rate testified to the kindly instincts of the generation which employed them. Charity naturally occupies itself with the unhappiest members of the population; and the criminal was still engaging the attention of reformers. The alterations which Peel had made in the Criminal Code had indeed relieved it from many of its worst features. The reforms which had thus been introduced had been extended in 1837; and capital punish-

Criminals.

[1] For the early parliamentary history of the measure, see *Hansard*, vol. xxxviii. p. 1761; vol. xlix. p. 1055; vol. lv. p. 979; vol. lviii. pp. 1356, 1573; vol. lxvii. p. 971; vol. lxviii. p. 318; vol. civ. p. 927.

ment had in that year been limited to the worst crimes.[1] Ewart, the member for Dumfries, indeed, had the courage to declare that it ought to be abolished for every crime but murder; and the instruction to the committee which he moved to that effect was only defeated by a majority of one.[2] The narrow majority by which his motion was rejected is a striking proof of the determination of the people to put down cruel and excessive punishments.

Yet death could still be inflicted for many venial crimes. So lately as 1833, a little boy of nine, who pushed a stick through a cracked window and pulled out some painter's colours worth twopence, was sentenced to death.[3] Such a sentence as this, indeed, was seldom or never executed, and a prisoner was rarely hanged except for murder. The manner, however, in which executions[4] were carried out degraded the people who thronged to see them. My Lord Tomnoddy was no picture of a poet's brain. The authorities

[1] Russell, in moving the bill of 1837, said that, in the three years ending 1834, there had been 165 sentences to death in France, and 90 executions; and 1494 sentences in England and Wales, and 85 executions. Capital sentences were pronounced nine times as frequently, and carried out less frequently than in France. He proposed in 1837 to repeal the punishment of death for (1) offences against the Riot Act, (2) rescuing persons charged with murder, (3) burning H.M.'s ships in dockyards, (4) inciting soldiers and sailors to mutiny, (5) administering unlawful oaths, (6) escaping from Millbank, (7) offences against Slavery Abolition Acts, (8) offences against Smuggling Acts. *Hansard*, vol. xxxvii. pp. 720, 721. The bill was carried except as to (3) and became the 7 William IV. and 1 Vict. c. 91. In the same session the pillory, which had fallen into disuse, was definitely abolished. Ibid., caput. 23. In 1840 Ewart introduced a bill for the abolition of capital punishment in all cases; and Kelly, afterwards Chief Baron of the Exchequer, another bill for its restriction to certain crimes. Russell endeavoured to extend the scope of Kelly's bill to arson of H.M.'s ships and to rape, and was beaten. He accordingly voted against the bill, which was rejected on its third reading. It was reintroduced in 1841 by its author; but abandoned on the introduction of a bill by Russell, which became law, and further limited the punishment of death. *Hansard*, vol. lii. p. 914; vol. lv. pp. 20, 734, 1101; vol. lvii. pp. 47, 148.

[2] By 73 votes to 72. Ibid., vol. xxxviii. p. 922.

[3] Ibid., vol. xx. p. 278.

[4] I have ventured to use the word in its common sense. Lord Nugent, in a debate in 1849, pointed out the error in so using it: "You talk, forsooth, of executing a man. You do not execute the man, you execute the law. You kill the man. You murder even your language to dissemble the act." Ibid. vol. xcvii. p. 564.

of Newgate did their best to turn the felon into a hero. When Courvoisier was hanged in 1840, one of the sheriffs wept, the other asked for the murderer's autograph.[1] On the Sunday morning which preceded the execution of Good, he was placed in a prominent place in the prison chapel; and the ordinary preached a sermon on his case in the presence of the Lady Mayoress and other ladies.[2] Scenes such as these proved that the old indifference to crime and suffering, which had characterised a previous generation, still existed in 1841. But the shame which these things excited showed that the masses of the people were becoming opposed to them. Since 1838 no person has been hanged in England for any offence other than murder. In 1841 the Legislature was first asked to substitute private for public executions.[3]

There were, however, two matters with which our ancestors had to deal which undoubtedly increased the difficulties of criminal reformers. The first of these was the appalling and deplorable increase of crime; the second the doubt how to dispose of the criminals. It has been already stated in an earlier chapter of this History that while in 1805 only 4605 persons were committed for trial, and only 2783 persons were convicted; in 1819, 14,254 persons were committed for trial, and 9510 were convicted.[4] From 1819 crime gradually decreased, till the committals sank to 12,263, the convictions to 8204, in 1823. But from 1824 a rapid and appalling increase took place in the number of committals and convictions. The committals in 1834 had risen to 22,451, the convictions to 15,995; in 1842 the committals had risen to 31,309, the convictions to 22,733.[5] The

The increase of crime.

[1] *Hansard*, vol. lvi. p. 661.

[2] See the account in the *Times* of the 23rd of May 1842. An exhibition similar to this, and equally disgusting, took place in 1845. *Hansard*, vol. lxxix. p. 1359. Warren went to hear the condemned sermon on Courvoisier, and wrote an account of it afterwards. *Miscellanies*, vol. ii. p. 110. Thackeray also wrote an account of Courvoisier's execution. *Collected Works*, vol. xiv. p. 436.

[3] *Hansard*, vol. lvi. p. 648.

[4] *Ante*, vol. i. p. 167.

[5] I have given the growth in two periods, because the opponents of the new Poor Law endeavoured to attribute the increase of crime after 1834 to this law. See *Hansard*, vol. lxiv. p. 107. The Statistics of Crime are republished in Porter's *Progress of the Nation*, p. 642.

population in 1819 was under 12,000,000, and there was rather more than one committal for every thousand people; the population in 1842 amounted to 16,000,000, and there was almost exactly two committals for every thousand people.

These figures are perhaps the saddest which it is possible to find in the History of England. That crime should have grown twice as rapidly as the population in twenty years of the nineteenth century is a fact which historians are fond of ignoring; but which deserves at least as much attention as bombardments of St. Jean d'Acre, or treaties of Berlin. Crime was the natural result of the vicious atmosphere in which the people lived, the vicious amusements which were the occupation of their leisure; and men were beginning to see that education in its widest and best sense was the proper remedy for crime, as it was also the proper remedy for pauperism. Good and wise men had already made brutal sports illegal, and closed the most vicious places of resort which disgraced the metropolis. Good and wise men were endeavouring to provide pictures and statues, grass and flowers, books and music for the people. In the reign of George IV. the presumptive heir to the throne squandered £60,000 on the erection of a palace, which he had neither life nor money to complete. Shortly after his death the unfinished structure was sold for £72,000 to Lord Stafford. The amount, invested in Exchequer Bills, was suffered to accumulate, and was applied, in the beginning of the present reign, to the purchase of a new park in the east of London, and the extravagance of a prince thus became the means of providing air and beauty for a populous district.[1]

The causes of its increase.

The causes of subsequent improvement.

A new park in the east of London was, however, only one symptom of the salutary change in the disposition of the people. The first Mechanics' Institute was formed in 1823;

[1] The sum the Duke of York is supposed to have spent on the building is given as £60,000 in Buckingham's *Courts and Cabinets of George IV.*, vol. ii. p. 247. The £72,000 paid for it by Lord Stafford will be found in *Hansard*, vol. lviii. p. 257. Lord Colchester, however, places the amount at £80,000. *Diary*, vol. iii. p. 522.

before 1842 its founder had 400 imitators.[1] In 1841 the School of Arts in Edinburgh[2] was instructing the working classes in natural philosophy, drawing, and modelling; and more than 8000 persons had availed themselves of its teaching. In 1836 a Select Committee of the House of Commons recommended the formation of Schools of Design.[3] In 1842 the singing classes at Exeter Hall, first instituted by Mr. Hullah, were attended by 50,000 persons in various grades of society; and their success led to the formation in 1842 of similar classes for writing, arithmetic, and drawing.[4] In 1832 the Whig Government proposed, and Peel supported, the first vote for the erection of a National Gallery.[5] Eight years afterwards, more than 500,000 persons visited the pictures.[6] Hume, after vainly urging the authorities to do so, printed at his own expense a catalogue of the collection, saleable for a penny. In 1843, the British Museum, which had been enriched by the acquisition of the Townley Marbles in 1812, the Elgin Marbles in 1817, and the Lycian Marbles in 1842, was visited by 517,000 persons.[7] The galleries and gardens at Hampton Court were thrown open to the public in 1838, and the fee for admission to the Tower was reduced from two shillings to one shilling a head in 1838, and to sixpence a head in 1839, the visitors increasing on the first reduction from 8000 to 40,000, on the second reduction from 40,000 to 84,000.[8] Bishop Stanley had set a memorable example to his right reverend brethren by opening Norwich Cathedral gratuitously to the people. In 1845 people were first admitted free to the body of Westminster Abbey.[9] In 1851 St. Paul's and Westminster Abbey were both thrown open free to the public.[10]

These facts may seem to some persons beneath the dignity of history, yet in reality they have a higher significance than

[1] *Hansard*, vol. lxi. p. 1026.
[2] Ibid., vol. lvii. p. 114.
[3] Ibid., vol. lxv. p. 143.
[4] See the debates on these classes in ibid., pp. 7, 18.
[5] Ibid., vol. xiv. p. 644.
[6] Ibid., vol. lxv. p. 130.
[7] Ibid., vol. lxxii. p. 1663.
[8] Ibid., vol. lxv. p. 130.
[9] Ibid., vol. lxxxii. p. 1375.
[10] Ibid., vol. cxvi. p. 216.

most of the matters with which history is ordinarily occupied. The increasing facilities which the people were obtaining for intellectual enjoyment were happy symptoms in an unhappy age. It is due to the memory of a good man to add that the foremost person in England in encouraging art, music, science, and intellectual pursuits was the young German prince who had become the husband of the queen. The prince became President of the Fine Arts Commission in 1841. He threw himself with zeal into the labours of the Commission; and thenceforward became the enthusiastic supporter of every movement intended to develop the intellectual training of his wife's subjects. And, notwithstanding the progress which had been already made before he reached the kingdom, the opportunities which the poor enjoyed were still scandalously small. So lately as 1845 there was a rule against allowing any one to sleep, any one to carry a bundle, or any one to walk in a working dress in St. James's Park.[1] Perhaps in 1925 our children may feel equal shame in remembering that in 1885 there was a rule against any one driving in Hyde Park in the only carriages in which the majority of the people can ever hope to drive.

Opportunities were thus being gradually afforded for rational recreation; a new generation was growing up among kindlier influences than those amidst which their fathers had been trained; and good men were hoping that better associations might ultimately tend to elevate the people, and to eradicate some of the worst forms of crime. The reformer, however, who built his hopes on the future could not afford to neglect the 31,000 committals which were the terrible feature of the present; and some means had consequently to be devised for restraining the criminal classes. It has been already stated in a previous volume[2] that Peel, in 1829, had instituted a police force in the metropolis. The Chartist rising had induced the Whig Ministry to pass a measure permitting the organisation of rural police in English counties. The measure, however, was not popular. Country gentlemen hesi-

[1] *Hansard*, vol. lxv. pp. 141, 142.

[2] *Ante*, vol. iii. p. 187.

tated to avail themselves of a machinery which involved an addition to the county burdens, and in the beginning of 1845 all England only paid £60,000 for the few policemen whose services it had thus obtained.[1] The institution of a Police Force. In legislation, however, of this kind, as in poetry, there is "nothing so difficult as a beginning:" the reform once begun, and the example once set, are certain to be imitated. Country gentlemen gradually adopted a machinery which afforded the best means for the protection of property; and the spread of crime was accordingly prevented by the formation of a force designed expressly to deal with the criminal classes.

Men, moreover, gradually discovered that the punishments which were inflicted on the criminal had the miserable effect of confirming him in vice and hardening his nature. So soon, indeed, as public opinion made it impossible to put men to death for comparatively harmless crimes, the necessity of providing some adequate secondary punishment became plain to every one who paused to think at all. Secondary punishment. At the commencement of the queen's reign the worst criminals were usually transported. Transportation had its remote origin in the sixteenth century. Towards the close of the reign of Elizabeth offenders were sentenced to be exiled; in the reign of Charles II. exile was turned into transportation; and in 1717 the men who contracted to carry the convicts to America were given by the Legislature a property in these persons. Great Britain, in fact, relieved herself of her criminals by selling them into slavery. This singular system endured till America obtained her independence. It was necessarily terminated when the colonies became the United States; and the British Legislature, as one consequence of the war, had to consider what it would do with its convicts. The flag of England had recently been planted on the shores of a remote inlet in an unexplored territory. In 1787 the British Government determined to send 800 convicts to that distant country. The discovery and progress of Australia will be traced in a future chapter. It is sufficient on this page to say

[1] It was so stated by Sir J. Graham. *Hansard*, vol. lxxviii. p. 998.

that from 1787 to 1836, 75,200 persons were transported to Botany Bay, and that in that year New South Wales had a convict population of 25,244 men and 2577 women, while in the neighbouring settlements, Tasmania and Norfolk Island, there were some 17,000 and 1200 convicts respectively.

It is worth while to try to realise what these figures mean. In 1836 some 46,000 persons were undergoing transportation in Australia. At least 6000 other convicts were in Gibraltar, Bermuda, or the hulks at home. Some 52,000 persons, or one person for every 500 of the population of these islands, was a convict. In March 1885, 8790 persons were undergoing penal servitude either in England or in the colonies.[1] The population had largely increased in the interval, yet there was only one convict for every six under sentence in 1836. History relates the march of armies, the siege of cities, the strife of senates, the progress of empire. And history does well to relate these things. But history does not do well to omit the other and far more significant features in a nation's story. Yet, which fact is best worth remembrance—the capture of Sebastopol at a huge cost of British blood and British treasure, or the almost unknown circumstance, that there were more than 50,000 convicts in 1836, and less than 9000 convicts in 1885?

The convict's lot.

The convict, sentenced to transportation, was consigned in the first instance to the hulks. In the early part of the century, pestilence was the frequent scourge of these places. But, as the nineteenth century wore on, public opinion was shocked at the notion of even convicts being exposed to the contagion of disease. Sanitary precautions were taken to prevent infection, and one danger was removed from the convict's lot. It did not occur to the generation which studied the convict's health to take any precautions for ensuring his moral welfare, and the hulks remained odious hotbeds of the worst forms of immorality. The convicts themselves shrank from these vile receptacles, and became

[1] Sir E. Du Cane, *Punishment and Prevention of Crime*, p. 191.

candidates in scores for Botany Bay.[1] Little, indeed, was known in this country of a convict's lot in the colony, and the little that was known about it gave, so there is reason to believe, only an inaccurate idea of the consequences of transportation. The men who prospered wrote home to their friends; the men who suffered endured their sufferings in silence. And it was the strange chance of the transported felon that prosperity, misery, and all the intermediate conditions between happiness and woe, could be drawn in the great annual lottery of transportation. In 1836 a man was living in New South Wales on an ample fortune of £40,000 a year who had begun his career as a convict in the colony. In the same year many convicts committed offences for the sake of being sent to the gallows, the easiest means of terminating sufferings which were intolerable.

Technically, the convict, on arriving in the colony, was the property of the governor. The governor could assign him to any settler. As the lot of the slave depended on the character of his master, so the lot of the convict depended on the temper of the settler to whom he was assigned. Many convicts, particularly those who had begun life as domestic servants, or who had some mechanical or clerical skill, obtained easy and pleasant situations. In a society, which was almost universally contaminated with the same taint, convicts were necessarily employed in positions of responsibility and trust. They were engaged as clerks, as messengers; they edited newspapers, they even acted as policemen. The unhappy creature, on the contrary, who drew a bad master in the lottery had no chance of improving his position. For any act of drunkenness, neglect, or disobedience, he could be sentenced by a magistrate to 50 lashes; a few years before 1836 he could have been sentenced to 150 lashes. Hardened by ill-treatment, if he were thought incorrigible, he could be sent to work in chains on the Government roads. It was admitted by the governor of a colony, who, living in an age inured to cruelty, was notorious for the severity with which he administered

1 *Hansard*, First Series, vol. xxxiii. p. 988.

discipline, that a convict's lot, working in chains on the roads, was as severe a punishment as could be inflicted on man. Toiling incessantly throughout the day, lodged at night in a miserable hut, in which there was not even room to lie down, scantily fed, frequently flogged—humanity seemed incapable of enduring greater misery.

Yet, in the "Inferno," we are continually introduced to a new and more horrible *cerchio*. The worst *cerchio* in the convicts' Inferno was Norfolk Island. Thither were sent the unfortunate wretches who, made worse and worse by brutal mismanagement, were too bad for New South Wales. The physical sufferings of convicts in Norfolk Island were so great that they frequently committed crimes for the sake of getting themselves put to death. The moral atmosphere was so corrupt that the commonest words had changed their meanings; and the obstinate ruffian whom no discipline could tame was, in convict language, the good man; his weaker or more plastic yoke-fellow who was not quite hardened by vice was styled the bad man. "Let a man be what he will, when he comes here," was the striking testimony of a convict himself, "he is soon as bad as the rest." The motto framed for the gates of hell might have been engraven on the shores of Norfolk Island, "Lasciate ogni speranza, voi ch' entrate."

Such was transportation for man; there is no occasion to describe the lot of a transported woman. It is only necessary to remind the reader that ten men were sent to New South Wales for every woman; and that this disproportion had been going on for forty years. The dullest imagination can fill up the void, and picture the life of these wretched women. Yet these women, among whom womanly qualities were unknown, were necessarily the mothers of the mass of the settlers born in freedom. The sins of the fathers were thus literally visited on the children, and society, forcibly detained in a vicious circle, seemed incapable of making the smallest progress.[1]

[1] Authority for all the statements in the text will be found in the Report and Proceedings of the Select Committee on Transportation. *Parl. Papers*, 1837, vol. xix.; and 1837–38, vol. xxii. Cf. Rusden's *Australia*, vol. ii. p. 114 *et seq.*

The consequences of the system which it has thus been attempted to sketch were bad for the colony, bad for the convicts, bad for society at home. The atmosphere of the colony was polluted by the presence of felons and prostitutes; the convicts, it was universally admitted, were made bad men instead of good men by the process; and the criminal classes at home were not deterred from crime by dread of incurring a punishment of whose nature they were ignorant. The highest form of charity of which man is perhaps capable is the effort to protect the wavering and to reclaim the bad. Society, in 1837, contented itself with the easier task of rejecting its vicious elements, and with giving no further heed to them. It had not the poor satisfaction of reflecting that its conduct was cheap. Transportation cost the country from £400,000 to £500,000 a year.[1]

Bad as the system was which has thus been described, it is possible that, if England had only considered her own interests, years would have passed before it had been terminated. Fortunately, however, for society at home, the colonists in Australia showed an increasing disinclination to receive the dregs of English prisons. Experiments in colonisation, moreover, attracted the attention of politicians in England; and many leading Radicals engaged—as will be shown in a later chapter—in an attempt to found a new settlement on a new principle. The attention of English Radicals was thus directed to colonial politics at a time when transportation was the most prominent political topic in Australia. In 1837 Sir William Molesworth, who subsequently filled high office in a Liberal Administration, asked for and obtained a committee to inquire into the effects of transportation. The committee sat through the session of 1837, and was revived in the new Parliament of 1837–38. It produced an elaborate report, which directed prominent attention to the evils of the system. Men like Whately, the Archbishop of Dublin, and Matthew Davenport Hill, brother to the originator

The Committees of 1837–38.

1 The estimate will be found worked out in *Parl. Papers*, 1837–38, vol. xxii. pp. 37, 43.

of a penny postage, thenceforward exerted themselves in favour of Reform; and the Government, startled at the disclosures of the committee, and unable to meet the arguments of reformers, was forced to undertake to reduce transportation as much as possible; to transport, as far as practicable, to unsettled instead of settled districts; and to build penitentiaries or prisons at home for the reception of convicts.[1]

The system of 1842.

Thus the matter stood at the time of the fall of the Whig Ministry. It may be convenient, before leaving the subject, to state the steps which were subsequently taken for the purpose of promoting Reform. Stanley, returning to the Colonial Office, commenced the work by framing what was called the Probation system. The bulk of the convicts were in the first instance to be employed on public works in Van Diemen's Land; they were to pass from public works to private service; from private service they were to be released on a ticket-of-leave, and the ticket-of-leave was ultimately to be terminated by a conditional pardon. Such was to be the ordinary convict's lot. A few men, whose crime had been more venial, or whose character was less degraded, were to serve the first eighteen months of their sentence in this country, and on their arrival in Australia were to pass at once to private service on probation or on a ticket-of-leave. A few others, who amidst even criminals were distinguished for their crimes, were to commence their servitude in the most dreaded of penal settlements, Norfolk Island.[2]

In theory, this scheme was in advance of anything that had preceded it. In practice, it broke down altogether. Its success depended on two conditions. It required that the convicts working in public gangs should be subject to effectual supervision; and that the convicts released on probation should be absorbed in private labour. But these requirements were always wanting. Effectual supervision there was none, and the supply of convict labour largely exceeded the demand

[1] Cf. Russell's speech, *Hansard*, vol. xxxvii. p. 725; the debate on Molesworth's motion, ibid., vol. liii. p. 1236; Whately's motion, ibid., vol. liv. p. 246.

[2] Sir E. Du Cane, *Punishment and Prevention of Crime*, pp. 140, 141.

for it. Van Diemen's Land remonstrated against being forced to receive a flood of criminals. Mr. Gladstone in 1846 was compelled to suspend transportation to the colony; and the Whig Government, on returning to office in that year, found itself face to face with the convict difficulty.

The two men who, in the new ministry, found themselves obliged to deal with the question were Lord Grey, the Secretary for the Colonies, and George Grey, the Secretary for Home Affairs. They dealt with it by pushing still further the principle which Stanley had laid down. Stanley had decided that all convicts should work out a portion of their sentence either in a Government prison or under Government superintendence in a gang. The Greys determined that all convicts should work out the first portion of their sentence in a Government prison at home. Stanley had proposed to find public work for the convicts in the colonies. The Greys determined to pass them from the prison to public works in this country. The breakwater at Portland owes its existence to this decision. After the convicts had passed through preliminary discipline in a prison, and had served their time on public works, they were to be sent on ticket-of-leave to a colony. But this scheme, like the proposals which had preceded it, depended for its full success on the will of the colonists to accept convict labour; and Australia showed an increasing resolution to refuse it in any shape whatever. Men at the Cape, proceeding even further than the Australians, resisted by force the landing of a consignment of convicts. Except that Western Australia consented to receive a certain number of prisoners, transportation practically ceased; and, by Acts of 1853 and 1857, a system of penal servitude at home was substituted for transportation abroad.

The system of 1847.

Abandonment of transportation.

It seemed desirable to trace in the present chapter the whole of the steps which led to the substitution of penal servitude for transportation, as another opportunity for describing them will not recur. But it must be recollected that when the Whig Government fell in 1841 none of these reforms

had been introduced, and the old system, with all its faults, flourished in its integrity. A few years before, the prisoner charged with felony had been first allowed a counsel to defend him. The code which refused the prisoner a counsel was a remnant of the cruel system which had heaped weights "heavier than he could bear" on the unfortunate wretch who had refused to plead, and which had declined to allow the prisoner's witnesses to be sworn, lest the jury should be tempted to accept their testimony. The punishment of *peine forte et dure*, as it was called, was not formally abandoned till 1772, and was actually inflicted in the reign of George II. The prisoner's witnesses could not be sworn so lately as the reign of Anne.[1]

Counsel for prisoners.

In 1822, Sydney Smith, writing in the *Edinburgh Review*, drew attention to the cruel wrong which was thus done to the prisoner. In 1824, George Lamb, the brother of Melbourne, introduced a bill for the amendment of the law. Parliament was not prepared for so considerable an innovation, and leave for the introduction of Lamb's bill was refused by a considerable majority.[2] It seemed almost impossible to believe that English gentlemen could seriously refuse the aid of a counsel to a prisoner tried for his life; and it was, therefore, charitable to hope that the eighty members who refused to allow the bill to be brought in did not understand the subject. This excuse was not afterwards available. Sydney Smith in 1826 restated the whole case with the utmost care. He showed that in every other country in Europe the prisoner had the advantage of counsel, and that in France the prisoner's counsel was allowed the last word. He pointed out that even in this country counsel was allowed to the man accused of high treason, to the man im-

[1] See Campbell's speech in *Hansard*, vol. lxxiv. p. 552; and cf. Paterson, *Liberty of the Subject and Security of the Person*, vol. ii. p. 189. Chamberlayne, in the edition of 1727, says of the *peine forte et dure*, "Though the law continues, we so abhor cruelty that of late they are suffered to be so overcharged with weight laid upon them that they expire presently." *Present State of Great Britain*, p. 193. Verily the first steps towards humanity are curious.

[2] *Hansard*, New Series, vol. xi. p. 220.

peached before the Lords, to the man accused of misdemeanour, and only refused to the felon. Thus "counsel was permitted in very high crimes and in very small crimes, and denied in crimes of a sort of medium description." He showed that in political cases the prosecutor had the right of determining whether the man should enjoy counsel or not, since he could frequently charge him with treason or felony at his own discretion; and he met the common objection that trials would be protracted if counsel were employed, with the rejoinder, "It is surely better to be a day longer on the circuit than to murder rapidly in ermine."[1] But argument was of no use. The unreformed House of Commons had refused in 1824 to allow Lamb's bill to be brought in, by a majority of 80 to 50. It refused leave for the same bill in 1826, by 105 votes to 36.[2]

Discouraged by this defeat, the Reformers abstained from further exertions in this direction for nine years. In 1835, however, Ewart, the member for Dumfries, introduced a bill to allow prisoners the advantage of being heard by counsel. The bill passed the Commons, and was referred to a Select Committee by the Lords. Reintroduced early in the following year, it rapidly passed all its stages. Its principle was affirmed in the Commons by a majority of five to one; its second reading was moved in the Lords by Lyndhurst, who had been one of the foremost opponents of the measure ten years before. The only question on which Parliament was seriously divided was, not whether the prisoner charged with felony should be heard by counsel, but whether his counsel should have a right of reply.[3] It was discovered by a reformed Parliament, in 1836, that it was not possible to raise a valid argument against a measure which an unreformed House of Commons had even refused to consider.[4]

[1] The article is reprinted in Sydney Smith's *Works*, vol. iii. p. 353.

[2] *Hansard*, New Series, vol. xv. p. 633.

[3] *Hansard*, Third Series, vol. xxviii. p. 628; vol. xxix. p. 355; vol. xxxi. p. 497; vol. xxxiv. p. 760; vol. xxxv. p. 599. The statute is 6 & 7 Will. IV. c. 114.

[4] It was noticed in the House of Commons that if a man wrested a gun from

The position of the felon, however, was not more pitiable than that of the debtor. Debt has been regarded as a crime by primitive society in every part of the world. In Palestine, as in Rome,[1] the debtor had power over the person of the creditor, and misfortune was commonly treated with a severity which was not always awarded to crime. In this country the same system was gradually introduced in Plantagenet times.[2] The creditor, who had been previously entitled to seize the goods, or even the land of the debtor, was at last authorised to seize his person. In one sense, indeed, the English law was, in this respect, more irrational than the cruel code of the Jews, or the awful punishment which the law of the Twelve Tables reserved for debtors. In Palestine the creditor was, at least, entitled to the service of the debtor or of his children, and the slave had the prospect of an Insolvent Debtors' Relief Act in the Sabbatical year. Even the law of the Twelve Tables allowed the creditors to sell the debtor into slavery, instead of resorting to the horrible alternative of partitioning his body. But in England the creditors had no such choice. They had nothing to do but to throw the debtor into prison; and by his imprisonment deprive themselves of the only chance of his earning money to pay their debts.

Debtors.

A law of this kind was intolerable to a commercial people.

another for the purpose of levying war against the king, he was guilty of treason, and allowed counsel; if he merely stole the gun he was guilty of felony, and not allowed counsel; if he took it from a gamekeeper he was guilty of a misdemeanour, and allowed counsel. *Hansard*, vol. xxxv. p. 186. Sydney Smith had previously given a similar illustration. He had pointed out that, if a man urged his servant to steal, he was only chargeable with the misdemeanour, and could be defended by counsel; while the servant could be hanged for the felony without counsel.

[1] For the Jewish law of debt, cf. Levit. xxv. 39–41; and 2 Kings iv. 1. For the law of the Twelve Tables, Gibbon's *Decline and Fall*, vol. viii. p. 92. In Egypt Asychis, with much better sense, gave the creditor authority over the sepulchre of the borrower, so that a debtor, till the debt was paid, could not be buried in the family grave. Herodotus, *Euterpe*, ch. 136; and see Sir J. G. Wilkinson's note in Rawlinson's *Herodotus*, vol. ii. p. 182.

[2] The first statute which gave the creditor power over the debtor's person in this country was apparently the 11 Edw. I.; cf. 13 Edw. I. and 25 Edw. III. c. 17.

The debtor languished in gaol, the creditor failed to obtain payment of his debt. When trade increased in Tudor times, the wits of legislators were exercised in devising some expedient for satisfying the creditor without imprisoning the debtor. The Chancellor was authorised to appoint commissioners empowered to divide the debtor's property among the creditors. By an Act of Anne[1] the debtor who complied with the law was released from further liability, and was practically enabled to commence life anew. In 1826, a debtor was allowed to procure his own bankruptcy; while, in 1831, commissioners were appointed to carry out the arrangements which had been previously conducted under the Court of Chancery.[2]

Bankruptcy.

The law of bankruptcy which was thus gradually developed by the legislation of three centuries only applied to persons in trade. No one who was not a trader could become a bankrupt; the ordinary debtor became as a matter of course an insolvent, and passed under the insolvent laws. The statutes, moreover, omitted to give any very plain definition of a trader. The distinction between trader and non-trader which had been gradually drawn by the Courts was not based on any very clear principle. A person who made bricks on his own estate of his own clay was not a trader; but a person who bought the clay and then made the bricks was a trader. Farmers, again, were exempt from the bankruptcy law; but farmers who purchased cattle for sale at a profit were liable to it.[3] The possibility, moreover, of a trader being made a bankrupt depended on the size of his business. A petitioning creditor in bankruptcy was required to be a person to whom at least £100 was due; if two persons petitioned, their debts were required to amount to £150; if more than two persons petitioned, to £200. A small shopkeeper, therefore, who could not hope to obtain credit for £200, £150, or £100

1 The 34 & 35 Hen. VIII. c. 4 is the first English statute on bankruptcy. Cf. 13 Eliz. c. 7; 4 & 5 Anne, c. 17; and 10 Anne, c. 15.

2 6 Geo. IV. c. 16; 1 & 2 Will. IV. c. 56.

3 *Parl. Papers*, 1840, vol. xvi. p. 13.

could not become a bankrupt; he was forced to become an insolvent.[1]

Insolvency.

The treatment of the insolvent was different from that of the bankrupt. The bankruptcy law was founded on the principle that the goods and not the person of the debtor should be liable for the debt; the insolvency law enabled the person of the debtor to be seized, but provided no machinery for obtaining his goods. The bankruptcy law gave the debtor his future earnings; the insolvency law gave the debtor's future earnings to the creditor. The bankruptcy law was administered under a competent tribunal; the insolvency law was carried out by the Courts of Requests which had been established in earlier times in almost every considerable town. Up to 1838 the first step in insolvency was the arrest of the debtor. Any person, who made a deposition on oath that some other person was in debt to him, could obtain his arrest on what was known as "mesne process." The oath might possibly be untrue; the debt might not be due; the warrant issued on the sworn deposition as a matter of course. But, in addition to the imprisonment on mesne process, the insolvent could be imprisoned for a further period on what was known as "final process." Imprisonment on mesne process was the course which the creditor took to prevent the flight of the debtor; imprisonment on final process was the punishment which the Court awarded to the crime of debt.

Such a system would have been bad enough if the debtors' prisons had been well managed. The actual condition of these prisons almost exceeds belief. Dickens, indeed, has made the story of a debtor's imprisonment in the Marshalsea familiar to a world of readers. Perhaps some persons may care to learn the condition of the less fortunate debtor who, in 1844, was confined by the Court of Requests in Birmingham. The prison, attached to the Court, comprised the kitchen, the cellars, and the attics of a small house in which the Court sat. The female debtors lived by day and slept by night

[1] *Parl. Papers*, 1840, vol. xvi. p. 14.

in one of the attics. The male debtors sat by day in the kitchen, washed in the adjoining cellar, and slept in an attic eleven feet long by sixteen feet broad. On each side of the room platforms were raised about a foot from the ground, like the stages in a kennel, littered with loose straw. On these platforms the debtors slept. For food they had the pauper's allowance; in sickness, the pauper's medicine. Spiritual assistance was not thought necessary for such outcasts as these. The prison at Birmingham was not singular in its shortcomings. In a neighbouring county, the debtors at Kidderminster were confined in a small room, twelve feet square, without fire or even fireplace. They slept on a heap of straw; they exercised themselves in an adjoining yard one foot longer than the room in which they lived. One quarter of a quartern loaf of bread was their daily food. Two jugfuls of water were given to each prisoner for washing and drinking. Other help had they none. The beadle entrusted with their custody lived in a distant part of the town, so that even in case of illness the wretched prisoner could obtain no assistance.[1] These things happened—be it recollected—not in the Middle Ages, not even in the days of Howard, but some years after the commencement of the present reign; and, Sunday after Sunday, society passing by on the other side raised its beautiful prayer, "For all prisoners and captives, we beseech Thee to hear us, good Lord."[2]

Proposals for altering the laws.

The Act of 1813 had done something to mitigate the misery which the law occasioned. The Court which was constituted by it released 50,000 debtors in thirteen years. But large numbers of persons were still detained in prison for debt. In 1827 nearly 6000 persons were

1 The Reports on which the account in the text is founded were read by Graham in the House of Commons. *Hansard*, vol. lxxvi. p. 1709.

2 The account in the text relates, of course, to the imprisonment of poor debtors. The imprisonment of wealthy debtors who declined to disgorge their property was equally scandalous. In 1805 (to take one example) Campbell went to drink wine in the Cambridge County Gaol with "Dr. Fisher, a fellow of Christ's, confined there for debt. He is Senior Doctor at Doctors' Commons, *often sits there as Judge*, &c. . . . There was nothing to tell that we were not in a well-furnished private house." *Life of Campbell*, vol. i. p. 171.

committed in London alone for debt.[1] The Common Law Commissioners, reporting in 1830, declared that the loud and general complaints of the law of insolvency were well founded; and Cottenham, in 1838, introduced a bill to abolish imprisonment for debt in all cases. The Lords were not prepared for so complete a remedy; they declined to abolish imprisonment on final process, or to exempt from imprisonment on mesne process persons who owed more than £20 and who were about to leave the country. Cottenham, disappointed at these amendments, decided on strengthening his own hands by instituting a fresh inquiry. He appointed a commission in 1839, which reported in 1840,[2] and which recommended the abolition of imprisonment on final process, and the union of bankruptcy and insolvency. In 1841, in 1842, in 1843, and in 1844 Cottenham introduced bills to carry out this report. The bills of 1841, 1842, and 1843 were lost. The bill of 1844 was not much more successful. Brougham declared that debtors who refused to disclose their property, who refused to answer questions about it, who refused to give it up, or who fraudulently made away with it, as well as debtors who had been guilty of gross extravagance, deserved imprisonment. He introduced an alternative bill giving the Court discretionary power to imprison them. The Lords, bewildered by the contrary counsels of two such lawyers as Cottenham and Brougham, decided on referring both bills to one Select Committee. The Committee preferred Brougham's bill, amended it, and returned it to the House. This bill became ultimately law. It enabled both private debtors and traders whose debts amounted to less than the sums named in the Bankruptcy Acts to become bankrupts; and it abolished imprisonment in all cases where the debt did not exceed £20. The reform which was thus introduced did not satisfy Cottenham, but it remedied some of the worst evils of the old system. Many debtors, availing themselves of the bankruptcy laws, were

[1] 4170 on mesne process, 1799 on judgment. *Hansard*, New Series, vol. xx. p. 431.

[2] The Report of 1840 is in *Parl. Papers*, 1840, vol. xvi. At the time at which the Report was made 3691 persons were in prison for debt (p. 8).

enabled to commence their career anew; many small debtors confined for trifling sums were liberated; and the law was thus relieved of some of its harshest features.[1]

One other class of unfortunates were simultaneously benefiting from the change of thought which was alleviating the treatment of the felon and the debtor. The cruelty with which lunatics were uniformly treated almost exceeds belief. The asylum was a prison, in which the patients were subjected to horrible restraints and tortures. Pinel, appointed to the Bicêtre in the crisis of the French Revolution, had the rare courage to order the manacles to be removed from the most unruly sufferers, and proved by doing so to an incredulous generation that kindness is not thrown away even on the insane. About the same time Tuke demonstrated the same thing in this country. But, though these beneficent individuals had shown that it was neither wise nor necessary to manacle lunatics, nearly half a century passed before their example was widely imitated. It was only in the closing years of the reign of William IV. that the managers of a large asylum decided on abolishing the restraints which had previously been used, and it was not till the fifth decade of the nineteenth century had begun that the example which was thus set was widely imitated.[2]

In the midst, then, of suffering, both unprecedented and great, reform was at work, preparing the way for a brighter

[1] The Act of 1838 is the 1 & 2 Vict. c. 110. The Act of 1844 is the 7 & 8 Vict. c. 96; but cf. ibid., c. 70. For Cottenham's own account of his own efforts, see *Hansard*, vol. lxxvi. p. 1387; for the debate on his original bill, ibid., vol. lxxiv. p. 442; for that on Brougham's bill, ibid., vol. lxxv. p. 1174. For the reference of both bills to the Select Committee, ibid., pp. 1204, 1207.

[2] Rational legislation respecting the treatment of lunatics commenced in 1828. In that year an Act (9 Geo. IV. c. 40) enabled the justices in quarter sessions to provide county asylums; and another Act (ibid., c. 41) regulated the treatment of the insane in private houses. Notwithstanding the first of these Acts, Ashley, speaking in 1845, said that only sixteen English counties had provided asylums; there was "one disgraceful borough asylum in Wales." *Hansard*, vol. lxxxi. p. 183. In Scotland, as late as 1848, it was officially stated by the Lord Advocate that many lunatics were confined in dungeons, chained on their beds of straw, and lived on garbage. Ibid., vol. xcviii. p. 846.

future; and the same influences which were encouraging the formation of mechanics' institutes and museums, and which were tending to suppress the slave trade, to raise the convict, and to alleviate the lot of the debtor and of the lunatic, were also leading to other results. Wise men were simultaneously endeavouring to improve the position of the sailor and the soldier. It is difficult for an historian, writing in the kindly atmosphere of the nineteenth century, to realise the position of a private soldier in the eighteenth century. So contemptible was it, that Dryden, searching for a simile to excuse his discarding antiquated words, could bring himself to write that "they deserve not this redemption, any more than the crowds of men who daily die or are slain for sixpence in a battle merit to be restored to life if a wish could revive them."[1] Half a century afterwards Junius, writing in what men still call "the good old times when George III. was king," declared "the private men have fourpence a day to subsist on, and five hundred lashes if they desert. Under this punishment they frequently expire. Under these encouragements it is supposed they may be depended upon whenever a certain person thinks it necessary to butcher his fellow-subjects."[2]

The private soldier.

Such was the lot of the private soldier. Discipline was maintained in the navy by the same expedients. On many ships the slightest offence was punished by the lash; and in one respect the sailor was in a worse position than the soldier. The latter was, at any rate, supposed to enter the army of his own free will; the former was swept into the navy whether he liked it or not. In theory, indeed, the Crown assumed that it was part of its prerogative to force any man on whom it could lay hands into either branch of its service. But in practice the power of the Crown to compel men to serve on land had been restricted by the Long Parliament; and, though a compulsory power to raise men who had no lawful calling or employment was exercised with the sanction

The common sailor.

[1] Dryden's *Virgil*, Postscript, ed. 1809, vol. iv p. 246.
[2] Junius, Letter XXXV., note.

of Parliament in the eighteenth century, it was abandoned in the reign of George II., and was never afterwards revived.[1] The parallel right to force men into the navy was never parted with. It was exercised in three ways. (1) The press-gang, working usually at night, scoured the streets of London and of other ports, and swept away men who were either sailors or who were suspected of having been at sea. (2) A man-of-war was entitled to board any English merchant vessel and seize any number of men out of it. (3) Smugglers, and even criminals, could be sentenced to serve the king at sea.

The press-gang.

These arrangements were productive of much evil. Armed press-gangs sweeping the streets of Portsmouth, or visiting every street from Cornhill to the Minories, carried terror into every family; any one who had been, or was suspected of having been, at sea was liable to be seized; and the terror which was thus excited was so great that in some cases the inhabitants of the outports organised committees to resist by force the operations of the press-gang.[2] The merchant service suffered still more severely. A member of the House of Commons declared of his own experience that, in coming from the East Indies with a ship worth £150,000, he had been boarded, and four men had been taken from him; off the Lizard he had again been boarded, and another four men had been taken from him. Off Beachy Head he had been boarded for a third time, and every man capable of serving in the navy had been taken from him, while he himself had been advised to stand into port.[3] Such a system naturally endangered the safety of merchantmen; it raised the wages paid to merchant sailors. Even the fishermen deserted the fisheries, since service on a fishing-smack made a man subject to the operations of the press-gang.

These lamentable consequences would have made the press-gang indefensible if they had added to the efficiency of the navy. They had not even the justification of facilitating

[1] Hallam's *Constitutional History*, vol. iii. p. 214.
[2] *Hansard*, vol. xx. p. 656. [3] Ibid., vol. xxix. p. 349.

the effectual manning of ships of war. When a press-gang was formed, it perhaps succeeded for one night in making an effectual raid on the seamen of the neighbourhood; but in another dozen hours the seamen scattered themselves over the adjoining district, and the press-gang had to confine itself to seizing landsmen and boys unfit for service. Still worse results ensued from the system of sending criminals on board men-of-war. Codrington himself, on hoisting his flag on the *Caledonia* in 1831, received twenty-seven men on board who had just been taken out of irons. "He gave notice that it was impossible they could be useful to him, and they would demoralise his crew; but the answer was that it was desirable that they should leave London, and that the Lord Mayor wished it."[1] Enobarbus said to Antony before Actium—

> "Your ships are not well manned,
> Your mariners are muliters, reapers, people
> Ingross'd by swift impress."

The British sailors, after the conclusion of the war, were moulded out of even less promising materials—the sweepings of the prisons and the scum of the seaports.

It will perhaps be thought that, if the soldiers and the sailors were liable to be flogged to death, there were compensating advantages, both in army and navy. Those who read Napier's brilliant pages, or the story of deeds of daring done by England's naval heroes, probably picture to themselves soldiers and sailors returning from their achievements with their breasts covered with medals and their pockets full of prize-money. Yet, so far as the medals were concerned, soldiers and sailors were equally considered unworthy of them. "Medals," wrote Wellington, in the early years of the present reign, "were originally struck to commemorate certain great naval victories; one of each was distributed, according to certain rules, to each

Medals.

[1] *Hansard*, vol. xx. p. 687. The command seems from the context to have been that of 1831, an account of which will be found in the *Life of Codrington*, vol. ii. p. 477. Surely Lady Bourchier might have found room for referring to her father's creditable advocacy of voluntary enlistment.

admiral and, I believe, to each captain of a post-ship engaged. Similar medals were subsequently struck to commemorate certain great events in the war of the Spanish peninsula, and one of each was distributed to the general officers, commanding officers of regiments engaged, and certain officers of the staff, according to certain rules laid down. In the year 1815 a medal was struck to commemorate the battle of Waterloo, and then for the first time the restrictions in respect to the grants of medals, as well to the navy as to the army, were departed from, and the course pursued was otherwise irregular."[1]

Prize-money.

It is true, indeed, that, if neither soldier nor sailor could hope to obtain a medal, the sailor, at least, had a fair chance of obtaining prize-money. The money thus acquired during the Great War reached many millions. Perhaps it may interest some persons to learn the principle on which it was distributed. After Navarino—at the period, in other words, of the first Reform Act—the Government undertook to pay the prize-money which the fleet would have received if the Turkish vessels had been captured and not burned. Codrington obtained £7888; each of his captains, £1068; lieutenants, £94; first-class seamen, £4, 10*s.*; and boys, £1, 10*s.* each. A first-class seaman got as many pennies as his captain received pounds, and nearly one mite for every pound awarded to his admiral. Verily, if the laws in an unreformed Parliament were made by landowners, Admiralty regulations were drawn up by admirals.

Thus discipline was maintained and bravery encouraged both in army and navy by a mixed system of lavish rewards and brutal punishments. But the rewards were heaped on the commanders; the punishments were reserved for the men. Even in the days of an unreformed Parliament, however, a novel precedent had been instituted by the issue of a Waterloo medal; and some eighteen years afterwards, a governor-

[1] *Indian Administration of Lord Ellenborough*, pp. 331, 332. See also a curious letter of Croker's, disapproving the issue of an Algiers medal, in *Croker's Memoirs*, vol. i. p. 92.

general, who did and said many foolish things, resolved on one just action, and issued medals to the troops engaged in Afghanistan and China. Soon afterwards his chosen lieutenant ventured on another innovation, and, to the alarm of monopolists, in his despatches on the Scindh campaign, actually mentioned private soldiers by name. Examples of this kind are apt to spread. Good-conduct pay was first issued in 1846,[1] and in 1848 Parliament, by a wise though tardy act of justice, issued medals to the survivors of the Peninsular campaign. Poor sufferers! It might have been hoped that no one would have grudged them their slender reward. An officer who had served in the Peninsula, an insatiable place-hunter himself, had the arrogance and, in an etymological sense, the absurdity to talk of this issue as a "prostitution of rewards."[2]

Regimental libraries.

During the same period other steps were taken to improve the position of the soldiers. It may surprise some readers to learn that at the time of the queen's accession soldiers were required to sleep two in a bed. Wellington had the merit of terminating this deplorable arrangement. It may interest other persons to learn that a short time afterwards two other great military reforms were introduced into the army. The old flint-and-steel musket was first superseded by the introduction of percussion-caps; and libraries were first provided for regiments. There is some satisfaction in reflecting that the same period which witnessed the first great improvement in arms of precision witnessed the first rational effort to elevate the common soldier.[3]

[1] *Ann. Reg.*, 1846, Chron., p. 4.

[2] Londonderry in *Hansard*, vol. xcix. p. 566. Lord John Russell had the dexterity to overcome the Duke of Wellington's objections to the issue of these medals by explaining, that it was the queen's wish that they should be issued.

[3] Flint and percussion muskets were tried against each other in Canada in 1839. Out of 2000 shots the flintlocks missed fire 822 times, the percussion muskets only nine times. This experiment settled the question, and in 1841 muskets with percussion-caps were largely ordered. Ibid., vol. xlvi. p. 1234. Lord Howick had the credit of initiating soldiers' libraries. Ibid., p. 1126. Sir C. M. Clode, who has missed these references, rightly ascribes their formation to 1838. *Military Forces of the Crown*, vol. ii. p. 555.

In the meanwhile, other steps had been taken to improve the soldier's lot. Happily for the private soldier, Lieutenant-Colonel Wall, Governor of Goree, in 1782, ordered 800 lashes to be inflicted on a sergeant under his orders. The man died shortly afterwards in hospital. Unfortunately for Wall, he omitted to take the precaution of summoning a court-martial before inflicting the punishment.[1] On his return home he was arrested, and charged with murder. He managed to abscond; but, returning twenty years afterwards, he was tried for his offence and hanged. Even in the cruel period of the war, Wall's case drew attention to the existence of brutal punishments. Seven years afterwards the impression was increased by a sentence of two years' imprisonment on Cobbett for a libel on the German legion. The Germans had been employed in administering 500 lashes to some unfortunate militiaman. A little later, in 1812, John Hunt and Leigh Hunt experienced a different fate. Charged with libel for criticising the severity of a sentence of 1000 lashes, they were acquitted, notwithstanding Ellenborough's dictum that the article was a libel intended to create disaffection in the army.[2] When juries declined to convict prisoners for criticising excessive punishments, it was evidently high time to reconsider the regulations under which the army was governed. Accordingly, in 1812, the ministry commenced the work of reform by directing that a regimental court-martial should not thenceforward sentence a fellow-creature, who happened to be a soldier, to more than 300 lashes.

Flogging.

A well-ordered person, at the present day, turns faint at the mere suggestion of a system so barbarous that the first step towards mitigating its barbarities merely prevented some young officers from ordering more than 300 lashes to be given to a human being. In 1836 a man named William Saundry actually died from the effects of 200 lashes which he received at Woolwich, and yet a regimental court-martial was allowed

[1] For Governor Wall's case, *Manual of Military Law*, p. 177; Howell's *State Trials*, vol. xxviii. p. 51.

[2] For the trial, Ibid., vol. xxxi. p. 367.

in 1812 to order 300 lashes in any climate. The regimental court-martial was the lowest court known in the army. The powers of the district court-martial and of the general court-martial were unlimited till 1830. In that year the Government directed that no district court-martial should sentence a man to more than 500 lashes. At the same time officers were prohibited from degrading their men by tying heavy weights to their legs. Two years afterwards, in 1832, the Government further directed that no district court should order more than 300, and no regimental court-martial more than 100 lashes. In 1836 general courts-martial were limited to 200, district courts-martial to 150, and regimental courts-martial to 100 lashes.[1] In 1846 the punishment was further reduced to 50 lashes.[2]

These concessions were wrung from the Government by the persistent efforts of sensible reformers. The ministry had narrowly escaped defeat on Hume's motion for the abolition of flogging in 1833.[3] It was more successful in 1834, 1836, 1837, and 1838, but the increased support which it received on these occasions was evidently attributable to its desire to limit flogging.[4] The Government was, in fact, able to show that, while diminishing the number of lashes which a soldier could receive, it had concurrently reduced the number of floggings: 658 men were flogged in 1830, 646 in 1831, 485 in 1832, 370 in 1833, 257 in 1834, 246 in 1835, and 163 in 1836.[5] The existence of a good ministry is a bad reason for the retention of an indefensible power; but the friends of flogging found their case strengthened, the opponents to it

[1] *Hansard*, vol. xlvi. p. 1170. For Saundry's death, ibid., vol. xxxi. p. 892.

[2] Ibid., vol. lxxxviii. p. 376.

[3] *Ante*, vol. iii. p. 293, note.

[4] A motion of Major Fancourt's in 1834 for the abolition of flogging was rejected by 226 votes to 94 (*Hansard*, vol. xxii. p. 256); a motion of Lennard's in 1836 for its abolition except in time of war was negatived by 135 votes to 62 (ibid., vol. xxxii. p. 1052); a motion of Fancourt's in 1837 for a Select Committee was defeated by 167 votes to 72 (ibid., vol. xxxvii. p. 905); and a motion of Boldero's in 1838 was rejected by 169 votes to 76 (ibid., vol. xli. p. 1280).

[5] These figures are given on the authority of successive ministers. Ibid., vol. xxii. p. 236; vol. xxxvii. pp. 878, 885.

found their arguments weakened, by the milder system of discipline on which public opinion had insisted and which a Whig Government had enforced.

Abuses, however, were still frequent enough. One officer, angry at the limit placed on his power, is said to have ordered a man to be flogged, with an interval of half a minute between the lashes. A hundred lashes could in this way be protracted over fifty minutes. The officer against whom this horrid charge was brought ought to have been either exculpated or dismissed. He was rewarded, on the contrary, with a high colonial appointment. Another officer, the eldest son of a peer, who had been removed from the command of one regiment for reprehensible conduct in bringing charges, collected from the gossip of the orderly room, against one of his officers, and who had, notwithstanding, been appointed to the command of another regiment, flogged a man on Sunday in the Riding School in the very place in which Divine Service had just been read. Fortunately for the army few officers displayed such severity as Lord Brudenell.[1] The kindlier instincts which were inducing society to revolt from cruel punishments influenced military men. A Governor-General assumed the responsibility of proving that flogging was un-

[1] The debate on Lord Brudenell's appointment to the 11th Dragoon Guards after his removal from the command of the 15th Hussars is in *Hansard*, vol. xxxiii. p. 533. The ministry did not defend the appointment, but it took the singular course of arguing that the Commander-in-Chief was responsible for individual acts connected with the management and control of the army, while the Government was only responsible for his general conduct. Ibid., p. 559; and cf. p. 535. It followed from this reasoning that Parliament had no control over any act of the Commander-in-Chief which was not grave enough to justify his removal. The contention—so far as I know—was never made afterwards, and Sir C. M. Clode, quoting Lord Dalhousie, rightly explains the present doctrine that "the Secretary of State, and through him the executive Government of the day, is responsible for all the acts of the Commander-in-Chief." *Military Forces of the Crown*, vol. ii. p. 323. For Lord Cardigan (he had succeeded to the peerage in the interval) flogging a man on Sunday, see *Hansard*, vol. lviii. p. 337. His regiment, it was said, was 350 strong, and in two years there were 105 courts-martial and 700 punishments of defaulters. Sir G. Trevelyan says that "during the session of 1841 Macaulay, as Secretary of War, had very little to do in the House of Commons except to defend Lord Cardigan; but that in itself was quite sufficient occupation for one minister." Trevelyan's *Macaulay*, vol. ii. p. 85.

necessary by abolishing it in the native Indian army; and the punishment, though it was retained for another forty years, was used or abused less frequently than in the days of George III. or George IV.

In the same year in which Hume nearly succeeded in defeating the ministry on the question of flogging in the army, Silk Buckingham, a gentleman who had been a journalist in India, drew attention to the abuses of impressment. Buckingham asked the House to declare the forcible impressment of seamen unjust, cruel, inefficient, and unnecessary, and to avail itself of a period of profound peace to provide other means of manning the navy. He ultimately modified the latter part of his motion by simply asking for an inquiry.[1] Graham, speaking as First Lord of the Admiralty, pledged himself to introduce a bill preventing the forcible enrolment of smugglers on ships of war,[2] but declined to part with the power of compulsory enlistment. Althorp, seeing that the sense of the House was opposed to the official view of the Admiralty, endeavoured to extricate Graham from his difficulty by moving the previous question. He prevailed, but the majority was so small[3] that the press-gang was obviously doomed. In 1835, Graham himself, freed from the trammels of office, introduced two bills to establish a register of seamen, and to encourage voluntary enlistment by the grant of high bounties and increased pensions. The Government promised him its support, and ultimately took the conduct of his measures out of his hands.[4] The bills passed; the experiment which was made succeeded; the press-gang proved to be no more necessary than any other of the abuses to which men still clung because they were old; and, though theoretically the Crown retained—as it still retains—the prerogative of pressing men into its service, the exercise of the prerogative

Impressment.

[1] *Hansard*, vol. xx. pp. 636, 691.

[2] Ibid., p. 683.

[3] The majority was 59 to 54. Ibid., p. 694. Buckingham renewed his motion in 1834. Ibid., vol. xxi. p. 1063.

[4] For Graham's bill, ibid., vol. xxvi. p. 1120. For Russell's promise of Government support, ibid., vol. xxviii. p. 622. For the transfer of the bills to Government, ibid., vol. xxix. p. 343.

was thenceforward condemned by what a great historian has called "the unwritten law of the Constitution."[1]

To the change of thought which led to these alterations may be attributed another reform, which was silently accomplished almost suddenly at the same period. Few things are more horrible than the frequent duels which were fought on every possible cause in the first half of the nineteenth century. Duelling was essentially the vice of the upper classes. It was based on the supposed law of honour; and a man who was not a gentleman was not bound by the law. It is probable that, in this country at any rate, the duel rose into favour when the "wager of battel" fell into disuse. The last occasion on which the wager of battel was fought out was in Elizabeth's reign, and duelling, which had previously been rare, became thenceforward more frequent.[2] In the first half of the succeeding century Selden formally defended the practice, though he seems to have done so for the sake of illustrating the right of the subject to take up arms against his king.[3] The duel, in fact, like the wager of battel which preceded it, was only defensible on the supposition that God actively interfered to do right between the combatants. It ceased to be justifiable when no Apollo descended from heaven to restore the strength of a wounded Hector, and when men discovered that God saw with equal eye "a hero perish or a sparrow fall." The practice, indeed, lingered for a century after Pope; but it was condemned throughout the whole time by the best people in the nation.

Duels.

Throughout the period, indeed, a man who shot another in

[1] It was admitted in 1836 that, notwithstanding an increase in the navy, the voluntary arrangement had succeeded. *Hansard*, vol. xxxii. p. 1108. Cf. Torrens' *Life of Graham*, vol. i. p. 430; and May's *Const. Hist.*, vol. iii. p. 20 *et seq.*

[2] See *ante*, vol. ii. p. 136; and cf. an interesting note of Mr. Buckle's in *Hist. of Civilisation*, vol. ii. p. 137. Mr. Buckle, in this well-known note, gave a philosophical reason for duelling being more prevalent in France than in England. But he has overlooked a remarkable passage in which Hume ascribed it to the example of Francis I. accepting a challenge from Charles V. *Hume*, vol. iv. p. 73.

[3] See the curious passage in *Table Talk*, pp. 47, 48.

a duel was a murderer in the eye of the law. But the severity of the law defeated its object. Every one knew that there were many occasions on which a man could not avoid fighting a duel without incurring discredit. So lately as 1844, it was admitted in Parliament that an officer who refused to fight would be liable to dismissal.[1] Judges and jurymen shrank from carrying out a law which seemed intolerable from its very severity. Upright judges, indeed, like the first Lord Kenyon, had the boldness to warn principals and seconds that they were all involved in the crime of murder.[2] Juries, long after Lord Kenyon's time, took a different view of the subject, and insisted on acquitting the duellists. Occasionally, too, the judges from the bench gave the juries some excuse for the verdict. Baron Hotham, in the closing decade of last century, is said to have told a jury that the acquittal of an officer who had slain another in a duel would be "lovely in the sight both of God and man;" and Townsend declared that "the long series of judicial annals has not been darkened with a single conviction for murder in the case of a duel fairly fought."[3]

The judges and duelling.

The wretched system, however, was already doomed. The duel was detested by the bulk of the nation as an aristocratic practice. In France a resort to duelling had been temporarily terminated by the downfall of the aristocracy in the great Revolution; in this country the duel did not long survive the predominance which the middle classes obtained in 1832. A class which did not practise duelling, and which hated duels, was not, in fact, likely to allow the system to continue; the change of thought, to which allusion has already been made, encouraged its repression, and the duel gradually fell into disfavour with the rise of the middle classes to power.

It may seem paradoxical to assert that a Prime Minister's duel should have given the first death-blow to duelling, but it is none the less true that Wellington's conduct in fighting

[1] *Hansard*, vol. lxxiii. p. 827.
[2] Townsend's *Lives of Twelve Eminent Judges*, vol. i. pp. 69, 70.
[3] Townsend's *Modern State Trials* vol i pp. 152, 155.

Winchilsea in 1829 made an impression on sober-minded people which a score of less famous combats would not have produced. In the following year one of the best judges on the bench told a jury: "We have heard several times during the course of this trial of the law of honour; but I will now tell you what is the law of the land, which is all that you and I have to do with. It is this: that if two persons go out with deadly weapons, intending to use them against each other, and do use them, and death ensue, that is murder, wilful murder."[1] In the same year another judge stated the law in similarly decided terms: "In the case of a deliberate duel, if one person be killed, it is murder in the person killing him: of that proposition of law there is not, there never has been, the smallest doubt."[2] While three years afterwards, a third judge applied the same law to the seconds in a fatal duel: "If you are satisfied on this evidence that the gentlemen went out to Haddon, knowing that Sir J. Jeffcott and Dr. Hennis were about to fight a duel there, . . . I cannot tell you, in point of law, it is anything short of murder;"[3] and five years later still, in the trial of a surviving principal and the two seconds in another fatal duel, a fourth judge laid down the law with equal plainness: "Where, upon a previous arrangement, and after there has been time for the blood to cool, two persons meet with deadly weapons, and one of them is killed, the party who occasions the death is guilty of murder, and the seconds are also equally guilty."[4]

These charges made it tolerably clear that the judges had both the courage and the will to enforce the law. The juries, however, by whom the duellists were tried did not display any similar disposition. Much as they may have been disposed to check duelling, they were not prepared

Juries and duellists.

[1] I have followed the late Mr. S. Warren's account of the charge given from memory in *Miscellanies*, vol. ii. p. 307. A short account of the trial will be found in *Ann. Reg.*, 1830, Chron., p. 162; and cf. the remarks of the same judge on a similar trial in ibid., p. 52.

[2] Townsend's *Modern State Trials*, vol. i. p. 162.

[3] Ibid., p. 163; and *Ann. Reg.*, 1833, Chron., p. 105.

[4] *Regina* v. *Young*, 8 *Carrington and Payne*, p. 652.

to regard the seconds, or even the principals, as murderers. Just as the law which made larceny a capital felony had led juries to acquit prisoners, so the law which made duellists liable to be hanged induced jurymen to acquit duellists. In three out of the four cases which have been mentioned in the preceding paragraph, the juries acquitted the accused: in the fourth, and most recent case, the jury convicted the prisoners, but sentence of death was not passed upon them.

Challenges in Parliament.

The reluctance of juries to convict duellists was justified by the attitude of prominent public men. Every session of Parliament, if it did not produce a duel, produced its challenge; and the challenges did not decrease in number after the passage of the Reform Act. Any one, who will take the trouble to extract the record of the debates in which these challenges were discussed from the first sixty volumes of the Third Series of *Hansard*, will probably be struck with the increasing disposition of a few members of the House to resent personal attack by challenging the assailant, and with the increasing determination of the House as a whole to prevent a conflict.[1] In 1836, for instance, the House placed Sir F. Trench under arrest because he refused to give an assurance that he would not fight Mr. Rigby Wason.[2] In 1841, the Serjeant-at-Arms was sent after Colonel Sibthorp, who had left the House on being told by Fox Maule that some words which he had spoken were below contempt.[3] At an intermediate period Lytton Bulwer was persuaded to say that he would not fight Praed, on being assured by Hardinge that he would not fight under similar circumstances. Such was the universal respect for a man who had been Wellington's second, who had challenged O'Connell, and who had never shown any disposition to shrink from a personal encounter, that it was felt that there was no necessity for fighting when Hardinge counselled peace.[4]

[1] Some of these cases are referred to in *ante*, p. 31, note.
[2] *Hansard*, vol. xxxiv. p. 412; and ibid., p. 486.
[3] Ibid., vol. lviii. p. 1378.
[4] Ibid., vol. xliii. p. 1139.

In the meanwhile, however, renewed attention was drawn to the practice, by the duel between a peer of the realm and an officer of the army. Lord Cardigan's overbearing disposition was already familiar to the people. Public opinion was accordingly rather shocked than surprised to find that he had fought a duel with one of his officers, Captain Tuckett. Both principals, as well as their seconds, were indicted at the Central Criminal Court for felony. The grand jury found a true bill against the peer, but ignored the charge against Captain Tuckett. Cardigan claimed, as a peer, the privilege of being tried by his peers.[1]

Lord Cardigan and Capt. Tuckett.

A peer accused of felony or treason is tried during the sitting of Parliament "before the Court of our Lady the Queen, presided over by the Lord High Steward appointed by Commission under the Great Seal."[2] A solemn proceeding of this character was so unusual that it might have been expected to make a profound impression on the nation. Denman, the Chief-Justice of England, appointed by a special commission Lord High Steward for the purpose, presided at the trial; and the robes of the judges on the Woolsack, of the peers on the benches, and of the ladies in the galleries added brilliancy to the scene. Yet the whole trial ended in a technical squabble, which defeated justice and covered the proceedings with contempt. Cardigan was indicted for firing at one Harvey Garnett Phipps Tuckett. It was proved at the trial that the wounded man was usually known as Captain Harvey Tuckett; it was proved also that an army agent had been in the habit of paying half-pay to a Captain Harvey Garnett Phipps Tuckett; but there was nothing to show that the Captain Harvey Garnett Phipps Tuckett, to whom the half-pay was paid, was the Captain Harvey Tuckett wounded in the duel. The difficulty could have been removed by calling Captain Tuckett and asking him a single question. If Captain Tuckett had declined to answer, it could have been removed by calling him and asking the army agent to identify

[1] *Ann. Reg.*, 1840, Chron., p. 76; and 1841, Chron., p. 242. Cf. ibid., p. 278; *Hansard*, vol. lvi. p. 136.

[2] May's *Parl. Practice*, p. 621.

him. These common-sense expedients were not adopted by Campbell, the Attorney-General, who conducted the prosecution. Follett, the acute counsel who defended Cardigan, fastened on the blot. Denman himself declared that the identity was not proved; and the peers, entertaining the "strongest wish" that Cardigan "should escape on some ground or other,"[1] acquitted the prisoner.

The result of the trial excited widespread indignation. Whatever had been the wish of the peers, the wish of the people had been for Cardigan's conviction. They felt that, if Cardigan had been a linendraper or tailor[2] indicted at the Old Bailey for stealing, justice would not have been allowed to miscarry on a technical point of no importance. Yet the proceedings, abortive as they were, did more than anything which had yet occurred to check the practice of duelling. The duellist, acquitted by his brother peers, stood condemned by public opinion. It was known, moreover, that the possibility of a conviction had entailed heavy expense on Cardigan. In the event of it his property would have been forfeited to the Crown; and to guard against such a forfeiture he had transferred the whole of it to his nephew. It was commonly reported that the stamps paid on the transfer amounted to £10,000; and it was argued, though perhaps inaccurately,[3] that Cardigan after his acquittal would have to incur a second expenditure of the same amount to recover his property. A duel, in such circumstances, became a much more dangerous matter than most people had imagined. A man who was a good shot had up to that time willingly incurred the slight risk to his own life which was inseparable from the encounter; he had the

[1] These expressions are Campbell's. See his *Autobiography*, vol. ii. p. 139. The trial of Lord Cardigan is reported in Townsend's *Modern State Trials*, vol. i. pp. 209–243. Cf. Arnould's *Denman*, vol. ii. p. 115.

[2] This was the phrase of the *Times*.

[3] As the whole transfer was a friendly arrangement, the deeds transferring the property could apparently have been destroyed after the acquittal, and the expense of a second transfer thus avoided. The transfer and the sum which it cost are mentioned in the *Times*, Feb. 20, 1841. It is very doubtful whether it would have held good if Cardigan had been indicted for the capital offence and convicted.

experience of a dozen verdicts to justify him in disregarding the consequences of a trial; but he had thenceforward the example of Cardigan to prove that he must take expensive precautions, involving legal assistance, to save his property. It thus became apparently necessary for a man of property to consult his solicitor before he fought a duel; and men who had not hesitated to risk their own lives or to assail the lives of other people disliked the necessity of incurring a solicitor's bill.[1]

The repression of duelling.

Duelling, however, though it had been discouraged, had not ceased. Less than three years after Cardigan's trial, the people were shocked to learn that two brothers-in-law, officers of the army, had, on a slight provocation, fought a duel; that the aggressor, Colonel Fawcett, had been killed by Lieutenant Munro; and that the latter had hastily left the country. The circumstances of this duel attracted general attention. The close relationship between the combatants, the anxiety which the survivor was known to have displayed to avoid an encounter, the awful punishment which he was enduring as an exile with the stain of blood upon his hands, aroused some sympathy in his favour. But the public loudly demanded that steps should be taken to prevent the possibility of such encounters in future. The ministry had the courage to supersede Munro, and to refuse Mrs. Fawcett the pension of an officer's widow. The queen's husband made a curious, though well-intentioned, suggestion for the establishment of Courts of Honour in the army and navy, to which disputes could be referred. A society was

[1] It ought to be added that the trial of Lord Cardigan deprived the peers of one privilege which it was supposed that they still retained. By an old statute (1 Edw. VI. c. 12, sec. 14) a peer was entitled to benefit of clergy on a first conviction for felony by simply alleging that he was a peer. Peel had obtained the repeal of benefit of clergy in 1827. *Ante*, p. 292. But it was doubted whether the repeal applied to the case of peers; and it was alleged that Cardigan, in the event of his conviction, had intended to claim benefit of clergy, as Lord Mohun, Lord Warwick, and Lord Byron had done before him. After Cardigan's trial a short Act was accordingly passed to remove the doubts which had arisen and repeal the statute of Edward VI., and one more privilege of peerage accordingly disappeared. 4 & 5 Vict. c. 22.

formed in London for the abolition of duelling; and was joined by 13 admirals, 67 field-officers, 32 captains in the navy, 36 captains in the army, 17 lieutenants in the navy, 31 peers, 141 civilians, 16 members of Parliament, and 1 clergyman. A motion was proposed in Parliament that "duelling is immoral in its tendency, that it brings into contempt the laws of the country, that it is contrary to divine command, and ought to be abolished:" and in April 1844 amended articles of war were issued enjoining officers to offer and accept apologies instead of fighting duels; and subjecting them, if they still chose to fight, to the penalty of being cashiered. One hundred years is only a short period in the history of a nation, yet one hundred years may produce many revolutions in politics and manners. In November 1746, a Secretary at War had written to an officer in command of troops to tell a young officer in his command that he must either fight a duel or be broke. In April 1844, the Queen's Regulation declared that an officer who chose to fight a duel should be cashiered. Such was the opinion of Court and Ministry in the days of Pelham, and such was the change in the days of Peel.[1]

Duelling in the army was almost entirely terminated by this alteration in the regulations. A year afterwards challenges in Parliament were further discouraged by the moral courage of a member of the House of Commons. Roebuck, challenged by Somers for some language which he had used in debate, brought the challenge before the House as a breach of privilege. Ashley, seconding and thanking Roebuck, declared that he had viewed with disgust and horror the prevalent notion of what is miscalled honour. Men of influence and position expressed their approval of Roebuck's conduct, and still more emphati-

[1] For the decision to refuse Mrs. Fawcett her pension and to supersede Lieutenant Munro, *Hansard*, vol. lxxiii. p. 807. The debate on the motion condemning duelling is in ibid., p. 1016. For the society to suppress duelling, ibid., p. 1018; and the *Life of Sir H. Lawrence*, p. 136, note. Cf. Martin's *Prince Consort*, vol. i. pp. 169-72; Warren's *Miscellanies*, vol. ii. p. 341; Albemarle's *Fifty Years of my Life*, vol. i. p. 122; and for some famous duels, Croker's *Memoirs*, vol. ii. p. 407.

cally of Ashley's language. Somers hastened to apologise for the part which he had played in the matter, and a new blow was given to the dying practice of duelling. A challenge ceased to be possible when it was treated as a breach of privilege.[1]

Such a revolution in manners, if it had stood alone, would not perhaps have justified an extended notice. Its importance arises from the company in which it is found. In the same decade in which duelling fell into disuse, the British people, for almost the first time for three centuries, displayed a desire to substitute a beverage like tea for the intoxicating liquors which they had previously consumed. Few writers of history have devoted much space to a philosophic history of drink and drinking.[2] Yet, if the effects of intemperance on a nation's life are considered, there are not many subjects which are better worth the attention of the historian of manners. Speculation, indeed, has been busy in determining whether climate or race were the chief cause of drunkenness; and one authority has gone so far as to declare that, wherever the Teuton is, there drunkenness prevails.[3] It may be doubted, however, whether this theory has not been made to explain the facts; and whether, if Tacitus had not recorded the drunken habits of the Germans, the vice would ever have been attributed to race alone.

Characteristics of the period.

The history of drunkenness.

There have been frequently in the world both nations and periods in which drunkenness was a credit rather than a disgrace. The Persians were not the only people who were in the habit of deliberating upon affairs of weight when they were drunk,[4] and Idomeneus is not the only hero who was

[1] The debate is in *Hansard*, vol: lxxxi. p. 601.

[2] Mr. Lecky, in this as in other matters, is an excellent example to the contrary. His passage on the drinking of the eighteenth century may be referred to with great advantage. See *History of England in the Eighteenth Century*, vol. i. p. 476.

[3] Mr. Balfour, in *Encyclopædia Britannica*, ad verb. "Drunkenness."

[4] See *Herodotus*, book i. ch. 133; and cf. Sir H. Rawlinson's notes on the same chapter.

honoured with exceptional opportunities for drinking.[1] In this country "the haunting of taverns" was made a common offence in the reign of Edward I., and seems to have been punished with the stocks.[2] But there is, perhaps, nothing in our literature to show that drunkenness was either prevalent in England, or was not regarded as disgraceful, till a much later period.

And there was a good reason for this circumstance. The national drink of Englishmen was ale;[3] and the ale which was commonly drunk was mild and new, and produced sleep rather than intoxication.[4] The Normans who came over with the Conqueror, indeed, set an example of drinking wine; and the marriage of Henry II. with Eleanor of Aquitaine, by connecting England with the wine-growing countries of France, increased the taste for wine; but the wines which were thus drunk were the light wines of France, and their use did not lead to any riotous drunkenness.

These conditions were altered about the commencement of the fifteenth century. England lost Aquitaine, and with this loss the trade in the light wines of France decreased. In lieu of them, British merchants imported the stronger wines of Spain and Portugal; and sack—vino seco, or sherry[5]—took the place of claret. Towards the close of the century a still more remarkable revolution occurred. The hop was introduced into England. Its introduction led to the brewing of beer; and, in lieu of the light sweet ales, consumed almost as soon as they were brewed, strong beer, capable of being kept for considerable periods, was gradually brought into use.[6]

The increase of drunkenness in the fifteenth century;

[1] For Idomeneus, see the curious lines, *Iliad*, iv. 260. Darius prided himself on the amount he could drink; and Holofernes, though he was in command of 120,000 men, on the night of his murder drank much more wine than he had drunk in any one day since he was born.

[2] Paterson, *Liberty of the Subject*, vol. ii. p. 418.

[3] Mead and metheglin, made respectively from water and honey, and from water, honey, and other ingredients, were equally ancient; but though they usually receive precedence in the Statute Book, "they never have been of great importance as contributories to the revenue." Dowell, *History of Taxation and Taxes in England*, vol. iv. p. 52.

[4] Ibid., p. 57. [5] Ibid., pp. 76, 79. [6] Ibid., p. 59.

Thus, in the course of the fifteenth century, by a change which was probably almost imperceptible at the time, Englishmen were gradually accustomed to stronger liquors than those which they had previously drunk. The events of the latter half of the sixteenth century threw England into close communication with Holland, and the Dutch were at that time universally regarded as the hardest drinkers in Europe.[1] Possibly from the force of example, but probably also from having access to stronger drinks, and from having more money with which to purchase them, the habits of the English race rapidly changed, and, from being the most sober, they gained the reputation of being the most drunken of European nations. "Superfluity in drink," wrote Nash in 1595, "is a sin that, ever since we have mixed ourselves with the Low Countries, is counted honourable; but, before we knew their lingering wars, was held in that highest degree of hatred that might be. Then if we had seen a man go wallowing in the streets, or lain sleeping under the board, we should have spet at him, and warned all our friends out of his company."[2] "I learned it in England," so Shakespeare made Iago say, "where indeed they are most potent in potting. Your Dane, your German, and your swag-bellied Hollander . . . . are nothing to your English."[3]

in the sixteenth century.

It must not be supposed that the Legislature saw with indifference the growth of drunkenness. On the contrary,

[1] M. Rochard, in an exhaustive article on "L'Alcool" in the *Revue des Deux-Mondes* for April 1886, p. 875, writes "Encore est-il (l'alcool) demeuré pendant longtemps dans le domaine exclusif de la Médecine. Ce sont les Anglais qui l'en ont fait sortir, en 1581, en distribuant de l'eau-de-vie à leurs troupes qui guerroyaient alors dans les Pays-Bas." It is questionable whether M. Rochard is right in saying that alcohol was first used in this way by the English. But there can be no doubt that he is right in tracing its use in this way by Englishmen to the Dutch wars.

[2] Isaac D'Israeli, in his chapter on "Drinking Customs in England," quotes, with excellent point, this passage from Nash's *Pierce Pennilesse*.

[3] Cf., a century later, Defoe's lines—

> "An Englishman will fairly drink as much
> As will maintain two families of Dutch."

The lines are quoted by Mr. Dowell, in his *History of Taxation, &c.*, vol. iv. p. 102, a work to which I am much indebted.

from a very early period, it endeavoured to deal with it. It has already been stated that the haunting of taverns was made an offence in the reign of Edward I. In 1495, two justices were authorised to "reject common ale selling and take security from sellers of ale for their good behaviour." While in 1552, in consequence of the abuses and disorders "had and used in common alehouses and other houses called tipling houses," all such houses were prohibited which were not actually licensed by the justices, and the licensees were ordered to enter into recognisances against the use of unlawful games and for the maintenance of good order.[1]

This legislation failed to check the growing vice, and with the seventeenth century Parliament adopted other and sterner remedies. In 1603 it made the owner of an alehouse, allowing tippling on his premises, liable to a fine of 10*s.*;[2] in 1606 it imposed a fine for drunkenness;[3] and in 1623 it authorised the magistrate to convict the offender on the evidence of a single witness.[4]

These statutes failed to arrest the growth of intemperance; and perhaps it is unnecessary to go beyond the Statute Book itself to ascertain the reasons of this failure. The Act of 1603, which imposed a fine on the alehouse-keeper who allowed tippling on his premises, placed a still higher fine on the licensed victualler who charged more than one penny a quart for the best beer, and one halfpenny a quart for small beer. So long as beer was cheap it was almost impossible to check its excessive consumption. In the Commonwealth, however, an excise was imposed on beer, which was continued after the Restoration. Nearly half a century later an additional duty was imposed on malt, while in 1710 a further duty was placed on hops. These successive burdens had the natural effect of increasing the price of beer. The best beer had been sold for 1*d.* a quart in the reign of James I.; the price rose to 2*d.* and 2½*d.* a quart in the reign of Charles II., and to 3*d.* and 4*d.* a quart in the first third of the eighteenth century.[5]

[1] 11 Henry VII. c. 2; 5 and 6 Edward Edward VI. c. 25.
[2] 1 James I. c. 9. [3] 4 James I. c. 5. [4] 21 James I. c. 7
[5] Dowell, *History of Taxation, &c.*, vol. iv. pp. 117–123.

These successive additions to taxation probably did more to check the growing consumption of beer than all the tippling legislation of the reign of James I., but the increased cost of beer had probably also the melancholy effect of further encouraging the use of ardent spirits.

No historian of civilisation has cumbered his pages with any elaborate history of the art of distillation, but perhaps there are few subjects which have attracted so little, and which deserve so much, attention. Alcohol is believed to have been an Arabic discovery, and alchemy was its source.[1] Arnauld de Villeneuve, searching for the elixir vitæ, in the thirteenth century, distilled brandy from wine; and, rejoicing at its qualities, named it aqua vitæ, the water of life. But, for two centuries after this famous discovery, no harm to the human race resulted from it. In England, "derived not from wine but from wine lees only, the sole material used in the manufacture by those who distilled for sale, alcohol was used almost exclusively for medicinal purposes." But towards the middle of the sixteenth century a growing demand for this commodity induced the distillers to seek for fresh materials, and, in addition to wine and wine lees, other ingredients were extensively employed. The use of spirits, which then began, slowly extended through the following century. War, among its many evils, leads to drinking; and, as the Royalists drank sack, the Parliament people drank strong waters.

The history of distillation.

Throughout this period, the strong waters which were thus drunk consisted chiefly of French brandy, and of the inferior spirit distilled in England from malt and other far less savoury materials. Towards the end of the century Parliament thought proper at one time to prohibit the importation of French brandy, at another time to place prohibitory duties upon its importation. In consequence, an extraordinary stimulus was given to the British distiller, and perhaps to the British trader.

[1] I state this in this guarded manner, because M. Rochard, in the article I have already quoted, writes "Que l'alcool nous vienne des Chinois ou des Arabes," &c. The name will convince most people that the invention was Arabic, however.

Rum was imported from the West Indies, and made largely into punch; and finally gin, manufactured from malt and juniper, was introduced, and soon became "a water more in esteem in this country, especially among the populace, than all the whole tribe of distilled waters put together." [1]

Then began that era of fearful drinking in the eighteenth century, with which Mr. Lecky has made us familiar.[2] "The drunkenness of the common people," wrote Hervey, "was so universal, by the retailing of a spirit called gin, with which they could get dead drunk for a groat, that the whole town of London and many towns in the country swarmed with drunken people of both sexes from morning to night, and were more like the scene of a Bacchanal than the residence of a civil society." [3] There is the strongest reason for fearing that Hervey did not exaggerate the orgies of the nation. Six millions of people, in 1742, are said to have consumed 19,000,000 gallons of spirits, or more than three gallons of spirits a head.[4] In 1884, the inhabitants of this country consumed about one gallon of spirits per head, or one-third of the amount which their forefathers had drunk 140 years before.

It is difficult to believe that either the example of the Dutch or even the introduction of cheap spirits could entirely account for the wholesale degradation of a people by drunkenness, and it may be suspected that some other cause, more difficult to detect, was concurrently at work. The period, in which the taste for spirituous liquors became general, was precisely that in which economical writers were noting and deploring the aggregation of the people in towns. But the condition of the towns, their narrow dirty streets, their open sewers, their fœtid cesspools, and contaminated wells, must necessarily have

[1] Smith, *The Compleat Distiller*, quoted by Mr. Dowell, *History of Taxation, &c.*, vol. iv. p. 103.

[2] *History of England in the Eighteenth Century*, vol. i. p. 476 *seq.*

[3] Lord Hervey's *Memoirs*, quoted by Mr. Dowell, vol. iv. p. 106.

[4] Porter's *Progress of the Nation*, p. 682. Mr. Lecky places the distillation in 1742 at only 7,000,000 gallons, vol. i. p. 480; but that appears to have been the consumption of London and its neighbourhood alone. M'Culloch's *Commercial Dictionary*, ad verb. "Spirits."

produced physical weakness, which, in its turn, may have easily created a craving for spirituous liquors. The long peaceful administration of Walpole, during which drunkenness perhaps attained its maximum, increased the prosperity and therefore the purchasing power of the people; and the temptation to drink from the neglect of sanitary laws thus reached its climax at the moment when the means of purchasing drinks were the greatest.

In 1736 the use of spirits had attained such frightful proportions that, on the advice of Jekyll, the Master of the Rolls, Parliament endeavoured to check it by imposing a prohibitory duty of 20*s.* a gallon. But the Act in the first instance led to riots, and in the second instance to illicit distillation, and its policy was soon abandoned. In 1751 a more sensible measure regulated the trade of the distiller and increased the penalties for unlicensed retailing;[1] and from that date, drunkenness, though the vice still prevailed, ceased to extend with the frightful rapidity at which it had increased in the previous half century.

The attempt to enforce temperance in the eighteenth century.

At the period at which this history opens, high duties, necessitated by the war, ought to have checked the vice of drinking. Spirits in England paid no less than 11*s.* 8½*d.*, spirits in Scotland and Ireland 5*s.* 6*d.* a gallon. But these high duties, instead of checking the consumption, only led to large illicit distillation and constant smuggling, In Ireland it was estimated that, while only 3,000,000 gallons of spirits paid duty in 1822, 10,000,000 gallons were consumed; and the same effects were visible in Scotland, and to a smaller degree in England.

The spirit duties in 1816.

In consequence, towards the close of the Liverpool Administration, another system was adopted. The duties on English spirits were gradually reduced to 7*s.* 6*d.*, the duties on Scotch spirits to 3*s.* 4*d.*, and the duties on Irish spirits to 2*s.* 4*d.* a gallon (they stood at these amounts up to the date of the

[1] See on this legislation, Lecky, *History of England in the Eighteenth Century*, vol. i. p. 481; Porter's *Progress of the Nation*, p. 681; and M'Culloch ad verb, "Spirits."

Budget of 1839, when they were raised to 7*s.* 10*d.*, 3*s.* 8*d.*, and 2*s.* 8*d.* respectively), and the reduction, which had the melancholy effect of nearly trebling the consumption of these commodities, had the happier consequence of almost terminating the trade of the illicit distiller.[1]

Thus the tendency of commercial legislation from 1815 to 1840 had been to decrease the cost and increase the consumption of strong spirits. And the same thing was also true of beer. At the close of the great war, beer was taxed in three ways. Its chief constituents, malt and hops, were subjected to heavy duties, and the beer itself, when brewed for sale, was also liable to duty. It has been already stated in this history, that one of the first measures adopted after the peace was the reduction of the duty on malt to one-third of its former amount; and it has been further related that, in 1830, Goulburn, bent on effecting large economical reforms, decided on abandoning the beer duties. At the time at which he adopted this policy, he took a step of even greater significance. The sale of beer had previously been restricted to houses licensed by the magistrates. From 1830 free trade in beer was established, and any one was enabled to open a beerhouse with a license from the excise. This provision was consistent enough with the principles on which the Legislature acted in other matters, but it unfortunately increased to a large extent the facilities afforded for drinking; and in 1834 the Legislature was forced to draw a distinction between houses licensed to sell beer to be drunk on or off the premises, and to charge a rather higher license to houses in the former category. In 1839, Brougham in the Lords, and Pakington in the Commons, suggested amended legislation; Brougham desired to place the beer-houses on the same footing as the

The duties on beer.

Free trade in beer.

[1] From 1823, the year in which the old war duties were first altered, to 1840, the consumption of English spirits rose from 3,803,312 to 8,278,148 gallons; the consumption of Scotch spirits from 2,303,286 to 6,180,138 gallons; the consumption of Irish spirits from 3,590,376 to 7,401,051 gallons. The consumption of Irish spirits had, however, exceeded 12,000,000 gallons in 1836, before Father Mathew's labours promoted temperance among the people.

licensed victuallers, and to require them to take out a license from the magistrates. Pakington proposed to allow no house to receive a license which had not a definite rating qualification. The principle of Pakington's bill was ultimately adopted, and a slight check was thereby imposed to the multiplication of beer-houses.[1]

Thus, with beer as with spirits, legislation from 1815 to 1840 tended to decrease the price and to increase the facilities for drinking. From 1840, when the poor had almost attained the maximum of degradation, a different system was introduced. In that year, legislation had the effect of suppressing the smaller beer-houses. From 1840 to 1853 no material alteration was made in the taxes on intoxicating liquors. The additional 1*s.* duty imposed on Irish spirits in 1842 was remitted in 1843. But in 1853 Mr. Gladstone introduced a new policy, by placing an additional 1*s.* on Scotch and an additional 8*d.* on Irish spirits; in 1854 the duties were further raised by 1*s.* 4*d.* and 8*d.* respectively; and in 1855 they were still further augmented by raising them for the whole of Great Britain to 8*s.* and for Ireland to 6*s.* 2*d.* a gallon. In 1858 the duty on Irish spirits was for the first time assimilated to the duty in Great Britain; and, in 1860, the duties throughout the United Kingdom were raised to 10*s.* a gallon.

The increase of the spirit duties in and after 1853.

It is possibly an irrelevant, but at any rate a most significant fact that, while high duties on alcohol had produced smuggling and illicit distillation in the first quarter of a century, they had no such effect in the third quarter of the century. The fact is

[1] For the Act of 1830, *ante*, vol. ii. p. 444. The Act of 1834 is 4 & 5 William IV. c. 85. For Pakington's bill in 1839, *Hansard*, vol. xlvi. p. 941. For his bill of 1840, ibid., vol. liii. p. 393. For Brougham's bill of 1839, ibid., vol. xlvii. p. 1236. The second reading of the bill had been postponed in consequence of the ministerial crisis, Brougham, however, saying that it was of more importance as regards the public morals than the resignation of any ministry. Ibid., p. 974. The Bishops did not seem to think so, for, on a later stage, Brougham complained that only two out of twenty-six prelates sacrificed their "dinner—their regard to their belly, which is their god"—to support the bill. Ibid., vol. xlviii. p. 321. Rice said in 1839, that there were 55,513 public-houses and 36,054 beer-houses, 18,379 of the public-houses and 15,318 of the beer-houses being under £10 value. Ibid., p. 978. Cf. Dowell's *History of Taxation*, vol. iv. p. 150 *seq.*

partially explicable from the circumstance that the progress of society tended to increase the scale on which all industries were conducted. Small producers were unable to compete with large manufacturers, and the humble kettle contended at a hopeless disadvantage with the gigantic still. But the circumstance was much more due to the increasing power of the executive. The inventions of the century—the construction of railways and telegraphs—as well as the legislation of the century, by instituting an efficient constabulary in every county, have strengthened the arm of authority, and enabled it to suppress practices with which it could not deal a hundred years ago.

This reflection is, however, extraneous to the immediate purpose of showing that, while the course of legislation before 1840 had tended to cheapen intoxicating liquors and to facilitate their supply, legislation after 1840 had the effect of making spirits more expensive and of reducing the supply. But it must not be forgotten that two other circumstances concurrently tended to decrease the consumption of intoxicating liquors. Foremost among these was the eloquence of a good man, and the increasing use of a non-intoxicating beverage.

Something will be said in the succeeding chapter of Father Mathew's labours. By his zeal, his earnestness, his eloquence, and his example, he accomplished a reform in manners, such as it is the lot of few men to effect. The work, which he commenced in Ireland in the fourth, he carried on in Great Britain in the fifth, decade of the nineteenth century. Labouring in the great centres of population, he achieved a marked and rapid success, and laid the foundation of the great movement for promoting abstinence and temperance among the people, which has ever since been actively promoted. It was fortunate that this great movement was accompanied and followed by an alteration in fiscal policy, which tended to promote the consumption of tea. Perhaps there are few articles whose importation and whose use have been more directly affected by the progress of legislation.

It is not necessary in this chapter to enter into any retrospective history of the British tea trade; to dwell on the famous cup of tea which Pepys tasted in 1661, or on the equally famous order which the East India Company gave for 100 lbs. of tea in 1667; to describe the beneficial consequences which resulted from a large reduction of the duties in 1784 by Pitt, or the circumstances which led to the increase of these duties during the war. In 1816, when this history opens, an *ad valorem* duty of £96 per cent. was imposed on all teas, and rather more than 23,000,000 lbs. of tea were consumed in the United Kingdom. No material variation[1] was made in the duty till 1834, when the termination of the East India Company's monopoly necessitated its revision.[2] From that time till 1836 duties varying from 1*s.* 6*d.* to 3*s.* a lb. were imposed on tea; and from 1836 a uniform duty of 2*s.* was imposed on all kinds of tea, which was further raised to 2*s.* 2¼*d.* by Baring's additional 5 per cent. in 1840.

Tea.

From a financier's standpoint, a good deal could be said in favour of assimilating the duty on all kinds of tea. In practice, indeed, it proved impossible for the tax-gatherer to distinguish in all cases between the boheas, the congous, and the souchongs; and dearer teas were consequently admitted under the lower rates of duty. But from a consumer's standpoint the assimilation of duties was disastrous. The cheaper kinds of bohea could be sold in this country in 1836 at or under 1*s.* a lb.; a tax of 2*s.* 2¼*d.* a lb. was equivalent therefore to a tax of more than 200 per cent. on the cheaper kinds of tea. The tax was so heavy that it virtually destroyed the advantages which would otherwise have arisen from throwing open the China trade. For the seventeen years ending 1832, the consumption of tea had only risen from rather more than 23,000,000 lbs. to rather

The tea duties in 1840.

[1] The duty on tea worth 2*s.* a lb. and upwards was raised from 96 to 100 per cent. in 1819. But this alteration was, of course, very small both in its character and its consequences.

[2] The price on which the *ad valorem* duty was charged, was ascertained by the Company's periodical sales. When these sales ceased, the means of testing the price ceased also.

less than 32,000,000 lbs.; from 1833 to 1836 it increased to rather more than 49,000,000 lbs. In other words, the increase in four years was nearly twice as great as the increase in the preceding seventeen years. But, under the tariff of 1836, it fell at once to 31,000,000 lbs., and the quantity retained for home consumption did not again reach 49,000,000 lbs. till 1849.

Thus, in 1842, the year in which the working classes of the United Kingdom fell to their lowest depth of degradation, the tax on a pound of tea was almost as heavy as the tax on a gallon of Irish whisky; while from 1853 to 1860 the tax on whisky was raised from 2*s.* 8*d.* to 10*s.* a gallon, or nearly quadrupled, while the tax on tea was gradually reduced from 2s. 2½*d.* to 1*s.* 5*d.*, or by more than one-fourth.[1] During the same period the consumption of spirits fell from ·97 to ·86 of a gallon, while the consumption of tea increased from 1·22 lbs. to 2·69 lbs. per head of the population.[2]

Their alteration in 1853.

These figures show that, concurrently with the improvement in the morals of the lower orders, a salutary alteration was also being effected in their habits, and that non-intoxicating beverages were gradually replacing the deleterious liquors which in previous generations had proved the fertile cause of crime. It is probably more difficult to determine whether this change in the people's habits was promoting morals, or whether, on the contrary, improved manners were increasing the consumption of tea. The two causes probably acted and reacted on one another. But if it be remembered that no great change in the price either of whisky or of tea was made till 1853, and that the steady improvement in the people's morals commenced in 1843, it will probably be concluded that tea-drinking was the result of a reform of manners rather than that the reform of manners was the consequence of tea-drinking.

Thus the decade, with which this volume has been concerned, has higher claims for consideration than those which are recorded in the annals of its Legislature. A decade in

[1] The tax was further reduced to 1*s.* a lb. in 1863, and 6*d.* a lb. in 1865.

[2] The figures in each case are from 1840 and 1861. It may be interesting to add that in 1888 the consumption of spirits amounted to ·96 gallons, that of tea to 4·95 lbs. per head of the population.

which duelling fell into disuse, in which the press-gang was virtually abolished, in which cruel punishments in the army were reduced both in number and severity, in which the worst evils of the transported convict's lot were alleviated, in which counsel were first allowed to felons, in which imprisonment for debt on mesne process was prohibited, in which slavery was abolished, in which the slave trade was attacked, in which the first effective Factory Act was passed, in which little children were released from sweeping chimneys, in which dogs were prohibited from drawing, in which lunatic asylums were first rationally managed, in which temperance exhibited its most eloquent advocate, and received its first successes—a decade in which the first grant was made by Parliament for the encouragement of elementary education, in which mechanics' institutes were promoted, in which public baths and washhouses were first provided,[1] in which singing-classes were formed in London, in which schools of design had their origin, in which free libraries were purchased for soldiers, in which a national gallery was first built, in which Victoria Park was purchased, has higher claims on posterity than are afforded by the parliamentary contests of Russell and Peel. Those who recollect that pauperism and crime attained their maxima in 1842, and that since 1842 crime has decreased and pauperism diminished, will be tempted to ascribe the happier conditions of modern England to the change of thought which accompanied or succeeded parliamentary reform.

[1] Perhaps these cannot fairly be included in the decade 1833–1843. The first bath and washhouse in London was instituted on a small scale in Glasshouse Yard in 1845. In one year 27,662 persons had bathed, and 35,680 persons had washed 260,526 articles in them. *Hansard*, vol. lxxxvii. p. 107.

END OF VOL. IV.

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